

**REPORT OF THE JOINT SUBCOMMITTEE TO STUDY THE
OPERATIONS, PRACTICES, DUTIES AND FUNDING OF THE
COMMONWEALTH'S AGENCIES, BOARDS, COMMISSIONS,
COUNCILS AND OTHER GOVERNMENTAL ENTITIES**

Interim Report: Boards and Commissions

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 13

**COMMONWEALTH OF VIRGINIA
RICHMOND
2003**

**MEMBERS OF THE JOINT SUBCOMMITTEE TO STUDY
THE OPERATIONS, PRACTICES, DUTIES AND FUNDING OF THE
COMMONWEALTH'S AGENCIES, BOARDS, COMMISSIONS,
COUNCILS AND OTHER GOVERNMENTAL ENTITIES**

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EXECUTIVE SUMMARY

House Joint Resolution 159 (HJR 159), passed by the 2002 General Assembly, created the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities (the Subcommittee). HJR 159 directs the Subcommittee to carry out a two-year study. The Subcommittee focused this year on boards, commissions and other collegial bodies within the Executive Branch.

The Subcommittee met five times during the year. It surveyed Executive Branch collegial bodies, collected numerous types of information and data about the bodies, and received significant input from the Executive Branch during its deliberations.

The Subcommittee focused its attention on 36 issues involving 66 boards, commissions and other types of collegial bodies. Based on its review and deliberations, the Subcommittee recommended:

- The elimination of 46 collegial bodies because they no longer serve a useful or necessary role,
- The merger of four collegial bodies with closely-related or overlapping purposes resulting in two bodies,
- The merger of two agencies and the elimination of one foundation, and
- That no action be taken regarding 15 bodies.

Legislation was drafted and introduced by Subcommittee members to initiate General Assembly consideration of the Subcommittee's recommendations.

HJR 159 directed the Subcommittee to submit an interim report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly. This report was approved by the Subcommittee on December 10, 2002. The report is set out in three chapters. Chapter I describes the scope of the first-year efforts of the Subcommittee and the study methodology employed. Chapter II summarizes the activities and outcomes of the five Subcommittee meetings. Chapter III presents the recommendations of the Subcommittee.

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I. INTRODUCTION

House Joint Resolution 159 (HJR 159), passed by the 2002 General Assembly, created the Joint Subcommittee to Study the Operations, Practices, Duties and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities (the Subcommittee). A copy of the resolution is contained in Appendix A. The Subcommittee consists of twelve legislators (six Delegates and four Senators) and is staffed by the Joint Legislative Audit and Review Commission and the Division of Legislative Services. HJR 159 also directs that technical assistance be provided by the Secretary of the Commonwealth.

The resolution assigned the following responsibilities to the Subcommittee:

- Examine the history, budget, and current activities of each governmental entity,
- Determine whether critical functions are being performed as efficiently and cost-effectively as possible,
- Identify duplicative functions and activities,
- Determine whether the entity is funded at appropriate levels,
- Compare and evaluate the entity's work and results with its stated statutory mission, and
- Make recommendations for consolidation, elimination, reduction, or increase of activities and funding of each entity based upon the review.

HJR 159 directed the Subcommittee to submit an interim report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly. The Subcommittee is to complete its work by November 30, 2003, and submit its final written findings and recommendations to the Governor and the 2004 Session of the General Assembly, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Information on the HJR 159 Subcommittee, including meeting materials, can be found on the Subcommittee website at <http://dls.state.va.us/hjr159.htm>.

STUDY SCOPE FOR 2002

The Subcommittee focused its attention in 2002 on collegial bodies within the Executive Branch. There were two primary reasons for this scope:

- Additional delineation beyond that provided in the broad study resolution was necessary to establish a work plan that was focused, practical, and feasible.
- The Subcommittee wished to avoid duplicative or redundant efforts between its activities and another ongoing assessment of State government - The Governor's Commission on Efficiency and Effectiveness (the Wilder Commission). The

Wilder Commission was directed to streamline and consolidate state agencies and programs. The Subcommittee determined that a complementary effort focused on collegial bodies would yield significant benefits to the Commonwealth without redundant efforts.

For the purposes of this study, collegial bodies were defined as: *State government entities, usually designated as boards, commissions or councils, that:*

- *Have power vested equally among colleagues/members,*
- *Are established by law or executive order, and*
- *Are typically charged with providing advice to an agency, promulgating public policies or regulations, or overseeing the operations of an agency.*

Collegial bodies excluded from the Subcommittee's review in 2002 included those in the Legislative and Judicial Branches; collegial bodies associated with independent agencies, political subdivisions or authorities; interstate compacts; and collegial bodies created in 2002.

STUDY METHODOLOGY

The Subcommittee and its staff employed a variety of data collection and research methods to analyze collegial bodies and determine if the bodies met assessment criteria established for the study. In addition, the Subcommittee established procedures to systematically review and discuss collegial bodies identified as failing to meet assessment criteria. These methods, criteria and procedures are described below.

Data Collection and Research Methods. The Subcommittee and staff were involved in numerous data collection and research activities to identify collegial bodies and assess their functions and status. These activities included:

- Developing Preliminary Inventories of State Agencies and Collegial Bodies – Lists of state agencies and collegial bodies were compiled based on information in the Secretary of the Commonwealth's Blue Book with consideration of Appropriation Act information. These preliminary inventories will be refined as the study continues.
- Designing and Implementing a Web-Based Database to Develop Collegial Body Mailing Lists – Letters were mailed to all state agencies directing them to log onto an internet web site and provide names, addresses and other information for each board, commission or other collegial body with which the agency interacts. Information from the web site was used to identify additional collegial bodies not captured in the inventory list and to develop survey mailing lists.
- Surveying Executive Branch Collegial Body Chairs and Staff – A 12-page survey instrument was designed to collect information about the functions and status of

collegial bodies in the Executive Branch. A total of 529 surveys were mailed out, including 266 surveys mailed to collegial body chairs and 263 surveys mailed to support staff members. Responses were received from 93% of the chairs and 98% of the support staffs.

- Structured Telephone Interviews - Structured telephone interviews were conducted on an as-needed basis with collegial body chairs, collegial body support staff, agency staff and other individuals to clarify and confirm information reported in surveys, collect additional information, and confer regarding the drafting of legislation relating to selected collegial bodies.
- Code Review and Compilation of Legislative History – Sections of the *Code of Virginia* and Acts of Assembly pertaining to collegial bodies were reviewed to determine the authority, duties, responsibilities, creation date, and other characteristics of collegial bodies. Information obtained during the review was entered into a database for use during study analyses.
- Functional Analysis – Statutory provisions concerning authority, duties, responsibilities, frequency of meetings and other characteristics of selected collegial bodies were compared to actual practices as reported in surveys and annual reports to identify instances of noncompliance.
- Document Reviews – Numerous documents were reviewed to identify and assess collegial bodies including survey responses, collegial body meeting minutes, annual reports, the Secretary of the Commonwealth's Blue Book, and prior study reports.
- Testimony and Other Input from Designated Executive Branch Representatives – In response to questions posed by the Subcommittee, information concerning the activities and status of collegial bodies, and the Executive Branch position regarding specified bodies, was received from the Offices of the Governor's Secretaries, agency directors, agency staffs, board chairs and other designated executive branch representatives.
- Receipt of Citizen Comments through Public Comment Periods and Other Mechanisms – Comments and perspectives regarding the collegial bodies being reviewed by the Subcommittee were received from interested citizens through public comment periods during Subcommittee meetings, letters and E-mail communications sent to the Subcommittee web site.

Assessment Criteria. A board, commission or other collegial body that is well conceived, functioning normally, and accomplishing its intended role in State government would typically have a clear mandate, have a full complement of members with up-to-date appointments, meet in accordance with statutory provisions, carry out statutorily-prescribed activities and responsibilities in an efficient manner, and avoid

unnecessary duplication or overlap with other collegial bodies and agencies. The following criteria-related questions were formulated to help the Subcommittee and staff “screen” the Executive Branch collegial bodies for these characteristics and to determine if certain collegial bodies should be modified:

- Does the collegial body have a clear mandate?
- Have members been appointed to the collegial body?
- Are all members’ terms current?
- Does the collegial body meet?
- Does the frequency of meetings comply with statutory requirements?
- Are activities in compliance with statutory requirements?
- Does unnecessary duplication, overlap or fragmentation exist between collegial bodies?
- Does evidence exist that the collegial body is or is not functioning efficiently and cost effectively?
- Does evidence exist that the collegial body is or is not funded at appropriate levels?

Subcommittee Procedures. The Subcommittee’s procedures for conducting its work in 2002 were as follows:

- (1) Subcommittee staff collected and analyzed collegial body information.
- (2) Collegial bodies that appeared to not meet the assessment criteria were placed on a Subcommittee meeting agenda for discussion.
- (3) The Governor’s Secretaries were notified of the scheduled discussions and asked to assemble the appropriate individuals to present the Executive Branch position regarding the issue and respond to a set of routine questions:
 - If a collegial body is not active, through what means is its mandate being carried out?
 - Do special circumstances or considerations exist regarding this collegial body?
 - Should the collegial body be consolidated with another entity? If so, what entity?
 - Should the collegial body be eliminated?

In some instances, additional questions were asked regarding specific collegial bodies.

- (4) Subcommittee meetings were publicized through press releases, the Subcommittee web site, and routine processes for notification of legislative meetings.

- (5) Designated collegial bodies were reviewed at Subcommittee meetings. During the meetings, staff presented preliminary findings regarding the function and status of the body, the Executive Branch provided its position on the issue, and public comment was received.
- (6) In the month following the initial review of a collegial body, an advisory vote was taken to determine the course of action to be followed by the Subcommittee. In many instances, the Subcommittee voted to introduce legislation to eliminate or consolidate specified collegial bodies. In other instances, the Subcommittee voted to take no action concerning a collegial body. In some instances, the Subcommittee delayed its vote to a later meeting to receive additional information on the collegial body prior to taking its advisory vote.
- (7) Bills were drafted and introduced to initiate General Assembly consideration of the Subcommittee's recommendations.

II. SUBCOMMITTEE MEETINGS AND ACTIVITIES

The Subcommittee met five times in 2002. An organizational meeting was held on June 19, 2002. Additional Subcommittee meetings were held on September 25, 2002; October 23, 2002; November 20, 2002; and December 10, 2002.

JUNE 10, 2002 ORGANIZATIONAL MEETING OF THE SUBCOMMITTEE

The Subcommittee met on June 10, 2002 to organize and establish a work plan for the year. During the meeting, the Subcommittee elected a Chairman and Vice Chairman; heard from the patron of HJR 159; received presentations on state government spending, state government organization, the Hopkins Commission, and the duties of the Office of the Secretary of the Commonwealth; agreed upon a work plan; and established a meeting schedule for the year.

Election of Chairman and Vice Chairman. The Subcommittee opened its organizational session by electing a chairman (Delegate Jay O'Brien) and a Vice Chairman (Senator Stephen H. Martin).

Patron Comments. The Subcommittee then heard from the patron of HJR 159, Delegate Robert F. McDonnell, regarding his reasons for introducing HJR 159. Delegate McDonnell explained that he had observed a disturbing tendency of government to grow and expand in a vacuum. While the number of boards and commissions has grown virtually unchecked in recent years, no one knows whether these entities are attaining desired results. He believed that the legislature needed to take a systematic look at each board's statutory mission, budget, duties, and responsibilities and compare these with the board's actual activities and practices. While he acknowledged that the scope of HJR 159 was broad enough to give the Subcommittee wide discretion in examining any entity of State government, he suggested that a good place to start was with the boards and commissions in the Executive Branch. He also emphasized the importance of developing a uniform set of criteria to objectively evaluate these entities.

Spending Trends in Virginia. Staff of the Joint Legislative Audit and Review Commission (JLARC) presented an overview of state spending trends. The presentation material was drawn from the JLARC report *Interim Report: Review of State Spending (HD 30, 2002)* and an updated version of that report not yet printed. The presentation documented growth in State expenditures and appropriations between FY 1981 and FY 2001. In addition, the presentation reviewed the legislative role in performance evaluation and performance budgeting.

Code Provisions Regarding Collegial Bodies. Staff of the Division of Legislative Services reviewed the general *Code of Virginia* provisions regarding collegial bodies. General statutory provisions require collegial bodies to follow a standard nomenclature. Collegial bodies are classified as advisory, policy, or supervisory depending upon their

level of authority in developing budgets and hiring key personnel. Members of collegial bodies are reimbursed and compensated at a standard rate. However, specific provisions in the enabling statute or the Appropriation Act could override these general provisions.

Overview of State Government Organization. JLARC staff described the number and type of agencies and collegial bodies within Virginia State government. Using the definitions below, a preliminary count indicates that there are 144 agencies and 353 collegial bodies.

State Agency: *A unit of State government located in the legislative, judicial, or executive branches, or one of the independent agencies that:*

- *Is created by statute.*
- *Is typically designated in the Appropriation Act with a three-digit agency code.*
- *Has administrative responsibilities.*
- *Has staff responsible for program implementation.*

Collegial Body: *A State government body, usually designated as a board, commission or council that:*

- *Has power vested equally among colleagues/members.*
- *Is established by law or executive order.*
- *Is typically charged with providing advice to an agency, promulgating public policies or regulations, or overseeing the operations of an agency.*

Entities excluded from the preliminary count include regional and local bodies such as planning district commissions, community service boards and local health departments; nonstate agencies; administrative agencies associated with interstate compacts; and ad hoc groups formed by Secretaries or agencies for a limited time to address a specific issue or problem.

The highest number of collegial bodies (79) is associated with the Commerce and Trade area. The second highest number is associated with Health and Human Resources (53), and the third highest is associated with Natural Resources (51). As shown in Table 1, nearly 94 percent (331) of the collegial bodies have been created through legislative action.

Guest Speakers. The Subcommittee heard from two speakers, Patrick M. McSweeney, Executive Director of the former Hopkins Commission, and Anne P. Petera, former Secretary of the Commonwealth. Mr. McSweeney discussed the activities of the Hopkins Commission during its assessment of the organization of State government in the 1970s. Ms. Petera spoke regarding the responsibilities and activities of the Secretary of the Commonwealth in appointing members to collegial bodies.

Table 1
Number and Type of Collegial Bodies

Area	Number	Examples	Authority		
			Legislative	Executive	Other
Executive Branch Officials	6	Governor's Advisory Board of Economists, Governor's Commission on Efficiency and Effectiveness	0	5	1
Administration	19	Charitable Gaming Commission, Commonwealth Competition Council	19	0	0
Commerce & Trade	79	Virginia Veterans Cemetery Board, Virginia Cattle Industry Board, Board of Forestry	78	0	1
Education	44	Board of Education, JMU Board of Visitors, State Public Records Advisory Board	42	0	2
Finance	7	Treasury Board, Commonwealth Performance Management Advisory Committee	7	0	0
Health & Human Resources	53	Child Day-Care Council, Board of Social Services, Disability Services Council	50	0	3
Natural Resources	51	Alexandria Historical Restoration and Preservation Commission, Scenic River Advisory Boards	49	2	0
Public Safety	15	ABC Board, Board of Corrections, Hazardous Materials Emergency Response Advisory Council	15	0	0
Technology	7	CIO Advisory Board, ITA Board of Directors, 911 Services Board	7	0	0
Transportation	7	Commonwealth Transportation Board, Virginia Aviation Board, Motor Vehicle Dealers Board	7	0	0
Legislative	21	Chesapeake Bay Commission, Virginia State Crime Commission, Virginia Code Commission	21	0	0
Judicial	9	Judicial Inquiry and Review Commission, Public Defender Commission	9	0	0
Independent	12	Board of Trustees of the Virginia Retirement System, State Lottery Board, State Advisory Council to the National Legal Services Corporation	11	0	1
Interstate Compacts	23	Atlantic States Marine Fisheries Commission, Delmarva Advisory Council	16	0	7
Total	353	N/A	331	7	15

Note: Information is preliminary based on Secretary of the Commonwealth's Blue Book web site in May 2002. Information may be amended in second year of HJR 159 study.

Source: Secretary of the Commonwealth web site, www.commonwealth.state.va.us/report.htm, May 2002.

SEPTEMBER 25, 2002 MEETING OF THE SUBCOMMITTEE

At its second meeting on September 25, 2002, the Subcommittee received an overview of the work of the Joint Rules Subcommittee Reviewing Legislative Guidelines for Studies, received several staff presentations on issues related to collegial bodies, held its first review of selected collegial bodies, and heard a presentation from the Executive Director of the Commission on Efficiency and Effectiveness (the Wilder Commission) concerning the work of the Commission.

Joint Rules Subcommittee Reviewing Legislative Guidelines for Studies.

Senator Malfourd W. Trumbo, a member of the Joint Rules Subcommittee Reviewing Legislative Guidelines for Studies and a member of the HJR 159 Joint Subcommittee, presented an overview of the work of the Joint Rules Subcommittee that is reviewing how legislative studies and commissions are set up. Senator Trumbo noted that the Subcommittee is seeking a more rational process for establishing these entities, and is considering establishing a drafting template to serve as a guide for setting up future legislative studies and commissions.

Staff Presentation on Study Processes. Division of Legislative Services staff presented a status report on a review of the *Code of Virginia* that was conducted to collect information on Executive Branch collegial bodies. JLARC staff presented a status report on the survey of Executive Branch collegial bodies that was conducted to assess their functions and status.

Review of Selected Collegial Bodies. The Subcommittee reviewed and discussed eleven collegial body issues identified through the study processes explained in the Methodology section of this report:

- Reciprocity Board
- Home Care Services Advisory Committee
- Maternal and Child Health Council
- Board of Military Affairs
- Virginia Correctional Enterprises Advisory Board
- Board of Regents of the James Monroe Law Office-Museum and Memorial Library
- Board of Visitors for Gunston Hall
- State Advisory Council to the National Legal Services Corporation
- Southside Virginia Business and Education Commission
- Board of the Southside Virginia Development Authority
- Blue Ridge Economic Development Advisory Council

Guest Speaker. Dr. Robert Holsworth, Executive Director of the Governor's Commission on Efficiency and Effectiveness (Wilder Commission), presented the *Interim Report of the Governor's Commission on Efficiency and Effectiveness* to the

Subcommittee. The Subcommittee requested that the Wilder Commission present its final streamlining and consolidation findings to the Subcommittee at its December meeting.

OCTOBER 23, 2002 MEETING OF THE SUBCOMMITTEE

At its third meeting on October 23, 2002, the Subcommittee voted on the collegial bodies reviewed at the prior meeting, reviewed 15 new collegial bodies, received a presentation from the current Secretary of the Commonwealth, and received a staff presentation on the results of the collegial body survey.

Vote on Collegial Bodies Reviewed at the Prior Meeting. The Subcommittee summarized the collegial bodies reviewed in September and voted on each. The votes and other related actions on each collegial body are summarized in Chapter III.

Review of Selected Collegial Bodies. The Subcommittee reviewed and discussed 15 new collegial body issues identified through the study processes explained in the Methodology section of this report:

- State Networking Users Advisory Board
- Human Services Information and Referral Advisory Council (including the Technical Assistance Committee to the Council)
- National Voter Registration Act Coordinating Committee
- Council on the Status of Women
- Board of Rehabilitative Services
- Virginia Advisory Council for Adult Education and Literacy
- Blue Ridge Regional Education and Training Council
- State Scenic River Advisory Boards
 - Appomattox Scenic River Advisory Board
 - Catoctin Creek Scenic River Advisory Board
 - Chickahominy Scenic River Advisory Board
 - Clinch Scenic River Advisory Board
 - Goose Creek Scenic River Advisory Board
 - Clinch-Guest Scenic River Advisory Board
 - Falls of the James Advisory Board
 - Historic Lower James Scenic River Advisory Committee
 - Moormans Scenic River Advisory Board
 - North Landing and Tributaries Scenic River Advisory Board
 - North Meherrin Scenic River Advisory Board
 - Nottoway Scenic River Advisory Board
 - Rappahannock Scenic River Advisory Board
 - Rockfish Scenic River Advisory Board
 - Rivanna Scenic River Advisory Board
 - St. Mary's Scenic River Advisory Committee
 - Shenandoah Scenic River Advisory Board

- Staunton Scenic River Advisory Board
- Upper James Scenic River Advisory Board
- Virginia Council on Career and Technical Education
- State Public Records Advisory Council
- Virginia Museum of Natural History Board of Trustees, Science Museum of Virginia Board of Trustees, Virginia Museum of Fine Arts Board of Trustees
- Cemetery Board and Board of Funeral Directors and Embalmers
- Board for Hearing Aid Specialists and Board of Audiology and Speech Language Pathology
- Board for Waste Management Facility Operators
- Board for Professional Soil Scientists and Wetlands Professionals

Guest Speaker. The Subcommittee received a presentation by Anita Rimler, the current Secretary of the Commonwealth, regarding collegial body appointment processes and the administrative operations of the Office of the Secretary of the Commonwealth.

Results of Collegial Body Survey. JLARC staff presented a report summarizing the outcomes of the HJR 159 survey of Executive Branch collegial bodies.

NOVEMBER 20, 2002 MEETING OF THE SUBCOMMITTEE

At its fourth meeting on November 20, 2002, the Subcommittee voted on the collegial bodies reviewed at prior meetings, reviewed ten new collegial bodies, received a presentation from Delegate Phillip A. Hamilton on the Advisory Council on Career and Technical Education, and heard presentations on the Commonwealth's performance management system.

Vote on Collegial Bodies Reviewed at Prior Meetings. The Subcommittee summarized the collegial bodies reviewed in October, as well as two from September, and voted on each. The votes and other related actions on each collegial body are summarized in Chapter III.

Discussion of Selected Collegial Bodies. The Subcommittee reviewed and discussed ten new collegial body issues identified through the study processes explained in the Methodology section of this report:

- AIDS Advisory Committee
- Advisory Committee for the Regional Competitiveness Act
- Board on Conservation and Development of Public Beaches
- Virginia State Parks Foundation Board of Trustees
- Virginia Soil and Water Conservation Board
- Open Space Preservation Advisory Boards
 - Region I
 - Region II

- Region III
- Region IV
- Region V
- Region VI
- Virginia Juvenile Enterprise Committee
- Public Guardian and Conservator Advisory Board
- Specialized Transportation Council (including the Technical Advisory Committee to the Council)
- Board for Opticians and Board of Optometry

Advisory Council on Career and Technical Education. Delegate Phillip A. Hamilton addressed the Subcommittee regarding the Advisory Council for Career and Technical Education. Delegate Hamilton patroned House Bill 335 during the 2002 General Assembly that created the Council. Delegate Hamilton noted that the Council was created to forge coordination between the legislature, the executive branch, and other bodies regarding career and technical education and to involve the legislature in policy in this area.

Guest Speakers on the Commonwealth Performance Management System. Ric Brown, Director, and Herb Hill, Associate Director for Strategic Planning, Research and Evaluation with the Department of Planning and Budget, presented an overview of Virginia's performance management system. The performance management system is intended to help the State manage strategy, measure and improve performance and communicate performance. Linda Ramthun, Audit Director with the Office of the Auditor of Public Accounts, presented findings regarding the Auditor's verification of the accuracy of performance measurement information reported by state agencies.

DECEMBER 10, 2002 MEETING OF THE SUBCOMMITTEE

At its fifth meeting on December 10, 2002, the Subcommittee voted on the collegial bodies reviewed at prior meetings, received a presentation from the Executive Director of the Governor's Commission on Efficiency and Effectiveness (Wilder Commission), approved the Interim Report, approved a resolution to amend the membership of the Subcommittee, approved the 2003 meeting schedule, and discussed topic selection for 2003.

Vote on Collegial Bodies Reviewed at Prior Meetings. The Subcommittee summarized the collegial bodies reviewed in November, as well as bodies carried over from the September and October meetings, and voted on each. The votes and other related actions on each collegial body are summarized in Chapter III.

Guest Speaker on the Governor's Commission on Efficiency and Effectiveness. Dr. Robert Holsworth, Executive Director of the Wilder Commission, presented the Commission's near final recommendations.

Approval of the Interim Report. The Subcommittee unanimously approved the draft copy of the Interim Report provided to them at the meeting, with the understanding that the report would be updated to include the actions taken by the Subcommittee at the December 10 meeting. The Chairman asked that members review the report and provide comments to JLARC staff, who would then include the changes or comments in the Interim Report. The Subcommittee directed JLARC staff to consult with the Chairman prior to revising the report if any “changes of consequence” were proposed. In addition, the Chairman suggested, and the Subcommittee approved without objection, that any changes be forwarded to JLARC staff on or before December 20th, prior to the report being submitted to the Division of Legislative Automated Systems for printing and distribution.

Approval of Changes to the Subcommittee Membership, the 2003 Meeting Schedule and Topic Selection. The Subcommittee unanimously approved a resolution to adjust the membership of the Subcommittee by adding one member of the Senate and one member of the House of Delegates. The Subcommittee unanimously approved a meeting schedule, in accordance with the guidelines of the Joint Rules Subcommittee, for 2003. The Subcommittee agreed to meet at 1:00 p.m. on the following dates: Tuesday, March 18, 2003; Tuesday, May 20, 2003; Tuesday, September 16, 2003; and Tuesday, November 18, 2003. The Chairman asked that members of the Subcommittee submit to him ideas for the March 18 agenda prior to the end of the month. Senator Whipple suggested that the issue of a Governor failing to make appointments to a board or commission should be one of the topics of discussion at the March meeting.

III. SUBCOMMITTEE RECOMMENDATIONS FOR 2002 INCLUDING PROFILES OF COLLEGIAL BODIES RECEIVING A DETAILED REVIEW

The Subcommittee made 24 recommendations for action based on its first year of study. These recommendations would eliminate 46 collegial bodies and merge another four into two. In addition, these recommendations would merge two agencies and eliminate one foundation. Subcommittee recommendations for action are described in Table 2 below. Please note that the table does not include boards or commissions that were reviewed but for which no recommendations for action were formulated. To arrive at its recommendations for action, the Subcommittee reviewed in detail 36 issues involving 66 boards, commissions and other types of collegial bodies. Brief summaries of each of these reviews are contained in this chapter.

Table 2
Subcommittee Recommendations for Action

Collegial Bodies	Recommendations for Action
Advisory Committee for the Regional Competitiveness Act	• Introduce legislation to eliminate the Advisory Committee for the Regional Competitiveness Act
AIDS Advisory Committee	• Introduce legislation to eliminate the AIDS Advisory Committee and introduce substitute language requiring the Department of Health to seek the advice of experts in the development and awarding of the grants
Blue Ridge Economic Development Advisory Council	• Introduce legislation to eliminate the Blue Ridge Economic Development Advisory Council
Blue Ridge Regional Education and Training Council	• Introduce legislation to eliminate the Blue Ridge Regional Education and Training Council
Board of Military Affairs	• Introduce legislation to eliminate the Board of Military Affairs
Board of Rehabilitative Services	• Introduce legislation to merge the Board of Rehabilitative Services into the State Rehabilitation Council
Board of the Southside Virginia Development Authority	• Introduce legislation to eliminate the Board of the Southside Virginia Development Authority
Board on Conservation and Development of Public Beaches *	• Introduce legislation to eliminate the Board on Conservation and Development of Public Beaches and transfer its duties to the Board of Conservation and Recreation
Council on the Status of Women	• Introduce legislation to eliminate the Council on the Status of Women

* Note: The legislation for the Board on Conservation and Development of Public Beaches and Virginia State Parks Foundation Board of Trustees was prepared as a combined bill for introduction.

Table 2 (continued)
Subcommittee Recommendations for Action

Home Care Services Advisory Committee	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Home Care Services Advisory Committee
Human Services Information and Referral Advisory Council and the Technical Assistance Committee to the Human Services Information and Referral Advisory Committee	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Human Services Information and Referral Advisory Council and its Technical Assistance Committee
Maternal and Child Health Council	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Maternal and Child Health Council
National Voter Registration Act Coordinating Committee	<ul style="list-style-type: none"> • Introduce legislation to eliminate the National Voter Registration Act Coordinating Committee
Open Space Preservation Advisory Boards, (6 boards)	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Open Space Preservation Advisory Boards and add language to the Virginia Outdoors Foundation Board of Trustees statute to require geographical representation of members
Reciprocity Board	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Reciprocity Board
Science Museum of Virginia and Virginia Museum of Natural History	<ul style="list-style-type: none"> • Introduce legislation to merge the Science Museum of Virginia and the Virginia Museum of Natural History and merge their related Boards of Trustees
Southside Virginia Business and Education Commission	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Southside Virginia Business and Education Commission
Specialized Transportation Council and the Technical Advisory Committee to the Specialized Transportation Council	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Specialized Transportation Council and its Technical Advisory Committee and transfer their responsibilities to the Disability Commission
State Networking Users Advisory Board	<ul style="list-style-type: none"> • Introduce legislation to eliminate the State Networking Users Advisory Board
State Public Records Advisory Council	<ul style="list-style-type: none"> • Introduce legislation to eliminate the State Public Records Advisory Council
State Scenic River Advisory Boards (19 boards)	<ul style="list-style-type: none"> • Introduce legislation to create one statewide Scenic River Advisory Board and grant the Director of the Department of Conservation and Recreation the authority to appoint local advisory committees
Virginia Advisory Council for Adult Education and Literacy	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Virginia Advisory Council for Adult Education and Literacy
Virginia Correctional Enterprises Advisory Board	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Virginia Correctional Enterprises Advisory Board
Virginia State Parks Foundation and its Board of Trustees*	<ul style="list-style-type: none"> • Introduce legislation to eliminate the Virginia State Parks Foundation and its Board of Trustees and transfer the duties of the Board of Trustees to the Board of Conservation and Recreation

Note: Not included are collegial bodies for which no action was recommended.

ADVISORY COMMITTEE FOR THE REGIONAL COMPETITIVENESS ACT

Secretarial Area: Commerce and Trade

Purpose of the Committee

- As described in the *Code of Virginia*, Section 15.2-1308, the purpose of the Committee is to develop recommendations for the distribution of funds to be used to encourage and reward regional strategic economic development planning and joint activities.

Situation

- Number of members: At least 12
- Committee members are appointed by the Governor, are equally representative of both local government and the business community, and are representative of each region of the Commonwealth.
- Regional Competitiveness Program created in 1996 to encourage regional strategic planning and cooperation.
- Advisory Committee created at same time to help design program and make recommendations on fund distribution to localities.
- Program at one time received \$11 million funding per year.
- Program not funded in 2002-04 biennium, although \$1.6 million is provided in FY 2003 and \$1.5 million in FY 2004 for workforce services grants.
- Discussions with Department of Housing and Community Development indicated that committee was “very inactive”.
 - Governors Gilmore and Warner made no appointments.
 - Committee has not met since 1996 or 1997.
 - Secretary of the Commonwealth indicated Committee inactive and not scheduled to be reactivated.
 - Department staff suggested deactivating the Committee and reactivating it in the future if needed.
- Situation indicates that the Committee is a candidate for elimination.

Executive Branch Position

- Shea Hollifield, Deputy Director, Department of Housing and Community Development, reported that the Executive Branch had **no position** on eliminating this Committee.

ADVISORY COMMITTEE FOR THE REGIONAL COMPETITIVENESS ACT (CONTINUED)

Subcommittee Action and Advisory Vote

- The Committee was reviewed at the November meeting; the Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Advisory Committee for the Regional Competitiveness Act.

AIDS ADVISORY COMMITTEE

Secretarial Area: Health and Human Resources

Purpose of the Committee

- As described in the *Code of Virginia*, Section 32.1-11.1, the purpose of the Committee is to assist in development of criteria for: awarding acquired immunodeficiency syndrome services and education grants, contents of the request for proposals, evaluation and ranking of the applications and making recommendations for awarding grants.

Situation

- Number of members: Not designated in statute
- The Board of Health is to appoint experts in the delivery of services to persons with AIDS and AIDS education to this Committee.
- HB 1974 (1989) created acquired immunodeficiency syndrome services and education grants program and directed Board of Health to appoint advisory board to assist in grants process. This board is not specifically named in statute and has been referred to as the AIDS Advisory Committee and AIDS Services and Education Grants Program Advisory Committee.
- \$200,000 in grant funding awarded per year since 1989.
- 1998 report of Secretary of Health and Human Resources recommended eliminating Committee due to inactivity.
- Discussions with Health Department staff indicated:
 - There is no formal AIDS Advisory Committee although individuals have assisted in the past in developing grants and ranking proposals.
 - HIV/STD Division follows state procurement guidelines for competitive bidding to award grants.
 - Elimination of Committee would not interfere with Department's ability to award grants.
- Situation indicates that the Committee is a candidate for elimination.

Executive Branch Position

- Joseph Hilbert, Executive Advisor to the Commissioner, Department of Health, reported that the board **could be eliminated**; VDH would continue to rely on objective individuals knowledgeable in HIV to assist with the awards process.

AIDS ADVISORY COMMITTEE (CONTINUED)

Subcommittee Action and Advisory Vote

- The Committee was reviewed at the November meeting; the Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the AIDS Advisory Committee and amend the statute to require that the Virginia Department of Health seek the advice of experts to assist in the development and awarding of the grants.

BLUE RIDGE ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Secretarial Area: Commerce and Trade

Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2603, the purpose of the Council is to encourage Blue Ridge cities, counties and towns to work cooperatively to promote regional strengths and advantages and maximize regional marketing.

Situation

- Number of members: 11
- Council members are appointed by the Governor as follows: one member from each of the six different marketing groups in the Blue Ridge region; the chairman of the Blue Ridge Economic Development Commission or, if the Commission has expired, a member of the Virginia General Assembly; a representative of a major bank headquartered in the region involved in economic development efforts in the region; a representative of the major electric utility in the region; a representative of a major railroad headquartered in the region; and a representative knowledgeable about economic development from Virginia Polytechnic Institute and State University.
- The Blue Book indicates that all Council members' terms have expired:
 - Four terms expired on June 30, 1999.
 - Four terms expired on June 30, 2000.
 - Three terms expired on June 30, 2002.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- John Sternlicht, General Counsel, Virginia Economic Development Partnership, reported that the Executive Branch **supported elimination** of this Council.

Subcommittee Action and Advisory Vote

- The Council was discussed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Blue Ridge Economic Development Advisory Council.

BLUE RIDGE REGIONAL EDUCATION AND TRAINING COUNCIL

Secretarial Area: Education

Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2605, the purpose of the Council is to provide general leadership for education and business partnership programs and excellence in education; encourage and expand business participation in public education and to foster partnerships between the public and private sectors to enhance public education in the Blue Ridge region; coordinate with business and industry throughout the region to ascertain those skills, education, and training that businesses seek from entry level workers.

Situation

- Number of members: 21
- Council members are appointed by the Governor as follows: nine members representing business and industry; six members representing the education community, including one representative of the Roanoke Graduate Center, one representative of a four-year private college or university, one community college president or dean, one school superintendent, one public school teacher, and one school board member; four local elected officials; and two citizen members. Council members are chosen from among residents of the Blue Ridge region of the Commonwealth.
- Council was created in early 1990s and was housed at Virginia Western Community College.
- Office of the Secretary of Education indicates Council funding has ceased and Council staffing has been eliminated.
- Purposes of the Council may best be carried out under the Workforce Investment Act, which was implemented in Virginia in 2000. The Act created the Virginia Workforce Council and 17 local area boards (Workforce Investment Boards – WIBs) that carry out many of the same functions as the Blue Ridge Council.
- Willie Blanton, Workforce Investment Act Director, Virginia Employment Commission, stated that there is some overlap but also distinctions between the Workforce Investment Boards and the education and training councils.
- Lethia Hammond, Chair, Blue Ridge Regional Education and Training Council, supports retaining the Council.
- The Subcommittee has received 15 letters of support for the Council.
- Situation indicates that the Council is a candidate for elimination.

BLUE RIDGE REGIONAL EDUCATION AND TRAINING COUNCIL (CONTINUED)

Executive Branch Position

- Secretary of Education **supported retaining** the Council for at least a year, at no cost to the State, to enable Council to find alternate sources of funding.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting. The Subcommittee requested that a WIB representative speak at the November meeting.
- Willie Blanton, Workforce Investment Act Director, appeared before the Subcommittee at the November meeting to provide additional information on the role of local Workforce Investment Boards (WIBs) and how WIB roles compared to the role of the education and training councils.
- The Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. The Subcommittee voted 5-4 to **recommend eliminating** the Blue Ridge Regional Education and Training Council.

**BOARD FOR HEARING AID SPECIALISTS AND
BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

Secretarial Areas: Commerce and Trade (Board for Hearing Aid Specialists) and Health and Human Resources (Board of Audiology and Speech-Language Pathology)

Purpose of the Boards

- As described in the *Code of Virginia*, Section 54.1-1502, the purpose of the Board for Hearing Aid Specialists is to license persons engaged in the practice of fitting or dealing in hearing aids.
- As described in the *Code of Virginia*, Section 54.1-2602, the purpose of the Board of Audiology and Speech-Language Pathology is to promulgate canons of ethics under which the professional activities of the persons regulated shall be conducted.

Situation

- Number of members: 7 (Board for Hearing Aid Specialists) and 7 (Board of Audiology and Speech-Language Pathology)
- Members of the Board for Hearing Aid Specialists are appointed by the Governor and include: four licensed hearing aid specialists, of which at least one shall be licensed as an audiologist by the Board of Audiology and Speech-Language Pathology, one otolaryngologist, and two citizen members. One of the citizen members shall be a hearing aid user and the other a person who has a family member who is or has been a hearing aid user. Each hearing aid specialist and the otolaryngologist shall have at least five years of experience in their respective fields immediately prior to appointment.
- Members of the Board of Audiology and Speech-Language Pathology are appointed by the Governor and include: two licensed audiologists, two licensed speech-language pathologists, one otolaryngologist, and two citizen members.
- Hearing Aid Specialists are regulated by the Department of Professional and Occupational Regulation (DPOR); Audiologists and Speech-Language Pathologists are regulated by the Department of Health Professions (DHP).
- Significant interrelationships appear to exist between the two professions.
- Citizens with speech and hearing problems visit all three professionals.
- According to DHP, approximately half of audiologists are licensed hearing aid practitioners; Both professions are often organized into the same practice; Merging the Boards could eliminate or reduce the duplications in licensing and regulating that exist.
- In 1999, SJR 362 and HJR 669 requested that DHP and DPOR study this merger. The study concluded with a recommendation that the issue continue to be studied.
- Situation indicates that the Boards are candidates for consolidation.

**BOARD FOR HEARING AID SPECIALISTS AND
BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY (CONTINUED)**

Executive Branch Position

- Robert A. Nebiker, Director, Department of Health Professions, reported that the Executive Branch had **not taken a final position** on the merger of these Boards.

Subcommittee Action and Advisory Vote

- The Boards were reviewed at the October meeting. Mr. Nebiker reported that DHP supported the consolidation of the Boards under DHP. Louise Ware, Director, Department of Professional and Occupational Regulation, reported that DPOR had no position on consolidation. Ms. Ware stated that Hearing Aid Specialists were not opposed to the merger if there was equal representation on the Board. She added that some industry opposition would be likely. The Subcommittee requested that DHP and DPOR work together to form a final Executive Branch position to present at the November meeting.
- At the November meeting, Mr. Nebiker stated the administration had not taken a final position on this issue. The Subcommittee took an advisory vote^{*}.
- At the December meeting, Sandra Ryals, Chief Deputy Director, Department of Professional and Occupational Regulation, reported that the Board for Hearing Aid Specialists recently held a board meeting and was opposed to merging the two boards. The Subcommittee reconsidered the November advisory vote.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee voted to **take no action** on merging the Board for Hearing Aid Specialists and Board of Audiology and Speech-Language Pathology.

^{*} At the November meeting, the Subcommittee voted to recommend merging the Board for Hearing Aid Specialists and the Board of Audiology and Speech-Language Pathology. However, this action was reconsidered and reversed at the December meeting.

BOARD FOR OPTICIANS AND BOARD OF OPTOMETRY

Secretarial Areas: Commerce and Trade (Board for Opticians) and Health and Human Resources (Board of Optometry)

Purpose of the Boards

- As described in the *Code of Virginia*, Section 54.1-1702, the purpose of the Board for Opticians is to license persons practicing or offering to practice as opticians in the Commonwealth.
- As described in the *Code of Virginia*, Section 54.1-3207, the purpose of the Board of Optometry is to regulate the practice of optometry.

Situation

- Number of members: 5 (Board for Opticians) and 6 (Board of Optometry)
- Members of the Board for Opticians are appointed by the Governor and include the following: three licensed opticians of at least five years' experience prior to appointment, one ophthalmologist who has practiced ophthalmology for at least five years prior to appointment, and one citizen member.
- Members of the Board of Optometry are appointed by the Governor and include five licensed optometrists and one citizen member.
- Opticians are regulated under the Department of Professional and Occupational Regulation (DPOR); Optometrists are regulated under the Department of Health Professions (DHP).
- Survey responses:
 - Optometry Board Chair - Board for Opticians could be subsumed within the Board of Optometry.
 - Opticians Board Chair – Does not know if opportunities exist to consolidate boards with related purposes.
- Optometry Chair indicated:
 - Closely related functions make two boards a natural fit.
 - Consolidation would strengthen and improve overall oversight of patient care, benefiting citizens throughout the Commonwealth.
 - Not all practitioners will agree with consolidation.
- Jon Bright, Chair, Board for Opticians, opposes merger of the Board for Opticians and the Board of Optometry.
- Situation indicates that the Boards are candidates for consolidation.

BOARD FOR OPTICIANS AND BOARD OF OPTOMETRY (CONTINUED)

Executive Branch Position

- Louise F. Ware, Director, Department of Professional and Occupational Regulation, reported that the Executive Branch had **no position** at that time on merging the two boards. An assessment was underway.
- Robert A. Nebiker, Director, Department of Health Professions, reported that the Executive Branch had **no position** at that time on merging the two boards. An assessment was underway.

Subcommittee Action and Advisory Vote

- The Boards were reviewed at the November meeting; the Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on merging the Board for Opticians and the Board of Optometry.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLANDS PROFESSIONALS

Secretarial Area: Commerce and Trade

Purpose of the Board

- As described in the *Code of Virginia*, Section 54.1-2202, the purpose of the Board is to establish professional qualifications and issue licenses to certified soil scientists and certified wetland professionals.

Situation

- Number of members: 5 currently, 7 after July 1, 2004
- Board members are appointed by the Governor as follows: three certified professional soil scientists, three certified professional wetland delineators and one citizen member. The professional soil scientist members shall have experience in at least one of the following areas (i) soil mapping and classification, (ii) soil suitability and land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the wetland professional members, one shall have experience in wetland delineation and description, one shall have experience in teaching and research in wetland science and one shall have experience with natural resource regulations.
- Board statutes amended in 2002 add certification of wetland professionals.
- Amendments become effective July 1, 2004, except that appointment of members under new configuration will happen in “due course”.
- In survey response, the former chair indicated significant dissatisfaction with Department of Professional and Occupational Regulation (DPOR) support over the years.
 - Four different Executive Directors in six years.
 - DPOR has not always provided sound legal advice.
- New chair also responded to survey; did not indicate dissatisfaction with DPOR support.
- The Board met once in FY 2001 and twice in FY 2002.
- Situation indicates that the Board is a candidate for review to determine if it is fulfilling its mandate.

Executive Branch Position

- Louise F. Ware, Director, Department of Professional and Occupational Regulation, indicated that appointments were being made and the Board was continuing its work.

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLANDS PROFESSIONALS
(CONTINUED)**

Subcommittee Action and Advisory Vote

- The Board was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Board for Professional Soil Scientists and Wetlands Professionals.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

Secretarial Area: Commerce and Trade

Purpose of the Board

- As described in the *Code of Virginia*, Section 54.1-2211, the purpose of the Board is to regulate standards for training and licensing of waste management facility operators; May establish classes of training and licensing.

Situation

- Number of members: 7
- Board members are appointed by the Governor as follows: a representative from the Department of Waste Management, a representative from a local government that owns a sanitary landfill, a representative from a local government that owns a waste management facility other than a sanitary landfill, a representative of a private owner of a sanitary landfill, a representative of a private owner of a waste management facility other than a sanitary landfill, and two citizen members, one of whom is a representative of a commercial waste generator. No owner may be represented by more than one representative or employee.
- Survey results indicate the Board did not meet in FY 2001 because it did not have business to conduct and met once in FY 2002.
- Blue Book indicates that all members' terms expired on June 30, 1999.
- Board is funded by assessments on practitioners.
- The Department of Professional and Occupational Regulation (DPOR) indicates Board has been active since April 2002; should be retained, especially because of the need to write new regulations for composting technology; similar duties not conducted by any other board.
- Situation indicates that the Board is a candidate for review to determine if it is fulfilling its mandate.

Executive Branch Position

- Louise F. Ware, Director, Department of Professional and Occupational Regulation, reported that DPOR **supported retaining** the Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.

BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS (CONTINUED)

- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Board for Waste Management Facility Operators.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

See Board for Hearing Aid Specialists.

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
AND CEMETERY BOARD**

Secretarial Areas: Commerce and Trade (Cemetery Board) and Health and Human Resources (Board of Funeral Directors and Embalmers)

Purpose of the Boards

- As described in the *Code of Virginia*, Section 54.1-2802, the purpose of the Board of Funeral Directors and Embalmers is to establish standards of service and practice; regulate and inspect funeral service establishments; enforce regulations and ordinances; establish, supervise, regulate and control programs for resident trainees; regulate preneed funeral contracts and preneed funeral trust accounts.
- As described in the *Code of Virginia*, Section 54.1-2313, the purpose of the Cemetery Board is to regulate preneed burial contracts and perpetual care trust fund accounts.

Situation

- Number of members: 9 (Board of Funeral Directors and Embalmers) and 7 (Cemetery Board)
- The Board of Funeral Directors and Embalmers are appointed by the Governor as follows: seven funeral service licensees of the Board with at least five consecutive years of funeral service practice in this Commonwealth immediately prior to appointment and two citizen members.
- The Cemetery Board are appointed by the Governor as follows: four cemetery operators who have operated a cemetery in the Commonwealth for at least five consecutive years immediately prior to appointment, no more than two of whom are affiliated with a cemetery company incorporated in the Commonwealth which is owned, operated or affiliated, directly or indirectly, with a foreign corporation; one representative of local government, and two citizen members. Appointments to the Board generally represent the geographical areas of the Commonwealth.
- Funeral Directors and Embalmers are regulated by the Department of Health Professions (DHP); Cemetery companies are regulated by the Department of Professional and Occupational Regulation (DPOR).
- According to DHP, most regulation in these areas is commercial in nature.
 - Commonalities exist in the clients served, the staff expertise, and the commercial aspects.
 - DPOR is better equipped to handle the majority of complaints against funeral directors and embalmers since they mostly involve commercial or business practices.
- Boards are funded by assessments on practitioners.

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
AND CEMETERY BOARD (CONTINUED)**

- Representatives of Funeral Director and Embalmer profession strongly oppose merging the two Boards; The Cemetery Board opposes merging the two Boards.
- Situation indicates that the Boards are candidates for consolidation.

Executive Branch Position

- Robert A. Nebiker, Director, Department of Health Professions reported that DHP **supported consolidation** of the two Boards under DPOR within Commerce and Trade.
- Louise F. Ware, Director, Department of Professional and Occupational Regulation, indicated that **DPOR would regulate if directed to do so** by the General Assembly; industry opposition would be likely; funding and new positions would be required for DPOR to assume new responsibilities.

Subcommittee Action and Advisory Vote

- The Boards were reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on merging the Cemetery Board and Board of Funeral Directors and Embalmers.

BOARD OF MILITARY AFFAIRS

Secretarial Area: Public Safety

Purpose of the Board

- As described in the *Code of Virginia*, Section 44-12, the purpose of the Board is to meet upon call of the Governor or the Adjutant General to advise them on military affairs.

Situation

- Number of members: 5
- Board members are designated in statute as the senior officer of the Virginia National Guard, or, whenever the Virginia National Guard is mustered into the service of the United States and until it is returned to state service, the senior officer of the Virginia State Defense Force, one military officer and one enlisted person appointed by the Adjutant General, and one military officer and one enlisted person appointed by the Governor, all of whom shall be active or retired members of the United States Armed Forces, the Reserves of the United States Armed Forces, or the National Guard are designated in statute as Board members.
- Department of Military Affairs staff indicate that this Board has been inactive for six years.
- Department of Military Affairs recommends deleting Board from the *Code*.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- General Claude Williams, Adjutant General, Department of Military Affairs, reported that the Executive Branch **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Board of Military Affairs.

BOARD OF OPTOMETRY

See Board for Opticians.

**BOARD OF REGENTS OF THE JAMES MONROE LAW
OFFICE-MUSEUM AND MEMORIAL LIBRARY**

Secretarial Area: Education

Purpose of the Board

- As described in the 1964 Acts of Assembly, Chapter 641, the purpose of the Board is to manage and supervise the memorial; receive and approve requests for items to be sold, loaned, or removed from premises; and adopt rules/regulations or admission fees regarding memorial remaining open to the public.

Situation

- Number of members: Not less than 18
- Members of the Board of Regents include both the President and the Secretary of the James Monroe Memorial Foundation and the President and Rector of Mary Washington College. The remaining members are appointed by the Governor; an equal number are appointed from the nominations submitted by the Rector and Visitors of Mary Washington College and the James Monroe Memorial Foundation.
- The Museum was conveyed to the state in 1964 via a deed of gift that became part of the Acts of Assembly. The deed/Acts of Assembly set out terms and conditions regarding how the Museum is to be managed and supervised.
- The Mary Washington College Board of Visitors reports that it oversees the Museum and Library and that the Board of Regents is advisory to the College Board of Visitors. The President of Mary Washington College stated that the *Code of Virginia* gives to Mary Washington College Board of Visitors the responsibility for operation, maintenance, and administration of the Museum. The Monroe Memorial Foundation challenged this in 1981, basing its argument on the deed of gift, but the Court ruled in favor of the Mary Washington College Board of Visitors. The Supreme Court of Virginia upheld this ruling.
- The Board of Regents itself has passed a resolution requesting that the HJR 159 Subcommittee recommend to the Governor and the 2003 General Assembly the elimination of the Board of Regents. The Executive Committee of the College Board of Visitors has also passed a similar resolution.
- Mr. George William Thomas, Chair, Board of Regents of the James Monroe Law Office-Museum and Memorial Library, and Colonel Samuel T. Dickens, Secretary of the Board of Regents and of the James Monroe Memorial Foundation, in comments to the Subcommittee indicate they oppose the elimination of the Board of Regents.
- The Subcommittee received nine E-mail communications through the HJR 159 web site concerning the Museum. Eight of these support the elimination of the Board of Regents. One supports retaining the Board of Regents.

**BOARD OF REGENTS OF THE JAMES MONROE LAW
OFFICE-MUSEUM AND MEMORIAL LIBRARY (CONTINUED)**

- Situation indicates that the Board may be a candidate for elimination.

Executive Branch Position

- Dr. William Anderson, President, Mary Washington College, reported that Mary Washington College **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the September meeting. Following the meeting, Subcommittee members were contacted by Mr. Thomas, Chair of the Board of Regents. He requested the opportunity to address the Subcommittee.
- Mr. Thomas, Colonel Dickens and Dr. Anderson appeared before the Subcommittee at the November meeting. The Subcommittee requested information from the Attorney General's Office prior to taking its advisory vote.
- At the December meeting, Peter Blake, Deputy Secretary of Education, summarized the December 9, 2002 Attorney General's memo on this subject. David Johnson, Deputy Attorney General, also spoke to the memo.
- The Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Board of Regents of the James Monroe Law Office-Museum and Memorial Library.

BOARD OF REHABILITATIVE SERVICES

Secretarial Area: Health and Human Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 51.5-5, the purpose of the Board is to advise the Governor, Secretary of Health and Human Resources and Department of Rehabilitative Services on the delivery of public services to and the protection of the rights of persons with disabilities on matters related to this title; monitor department activities; publicize policies and programs to educate the public.

Situation

- Number of members: 9
- Members are appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next session.
- Department of Rehabilitative Services (DRS) has two advisory bodies appointed by the Governor that perform similar functions.
 - Board of Rehabilitative Services (Board).
 - State Rehabilitation Council (SRC).
- Both bodies mandated by the *Code of Virginia*; SRC also mandated by the Rehabilitation Act of 1973, as amended in 1998.
- Scope of responsibility:
 - Board – All DRS programs.
 - SRC – Vocational rehabilitation, which comprises about two-thirds of DRS programs and has a close relationship with other programs.
- Natural extension of SRC's responsibilities to provide advice and guidance on other DRS programs.
- Survey responses:
 - SRC Chair – Indicates overlapping duties between SRC and Board.
 - Disability Services Council Chair – Indicates consolidation between the SRC and Board should be considered.
- Situation indicates that the Board is a candidate for consolidation.

Executive Branch Position

- Elizabeth E. Smith, Director of Policy and Planning, Department of Rehabilitative Services, reported that the Executive Branch **supported merging** the Board into the State Rehabilitation Council.

BOARD OF REHABILITATIVE SERVICES (CONTINUED)

Subcommittee Action and Advisory Vote

- The Board was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend merging** the Board of Rehabilitative Services with the State Rehabilitation Council.

BOARD OF THE SOUTHSIDE VIRGINIA DEVELOPMENT AUTHORITY

Secretarial Area: Commerce and Trade

Purpose of the Board

- As described in the *Code of Virginia*, Section 15.2-6100, the purpose of the Board is to enhance the economic development of the Southside region of the Commonwealth for the benefit of all citizens of the Commonwealth.

Situation

- Number of members: 12
- The Board is appointed by the Governor as follows: three chairmen of county boards of supervisors; two members of city councils; two representatives of area planning district commissions; one representative of the Virginia Economic Development Partnership; and four citizen members, at least two of whom shall be residents of participating cities or counties not otherwise represented by another appointment.
- The Blue Book indicates that all Board members' terms are expired:
 - Two terms expired on June 30, 1996.
 - Four terms expired on June 30, 1998.
 - Four terms expired on June 30, 1999.
 - Two terms expired on June 30, 2000.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- John Sternlicht, General Counsel, Virginia Economic Development Partnership, reported that the Executive Branch **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Board of the Southside Virginia Development Authority.

BOARD OF VISITORS FOR GUNSTON HALL

Secretarial Area: Education

Purpose of the Board

- As described in the 1932 Acts of Assembly (Chapter 138) and the 1948 Acts of Assembly (Chapter 175), the purpose of the Board is to visit, examine, and faithfully report to the Governor all the proceedings of the Board of Regents, including their management and supervision of Gunston Hall.

Situation

- Number of members: 3
- Board members are appointed by the Governor.
- Gunston Hall was conveyed to the state in 1932 via a deed of gift that became part of the Acts of Assembly. The deed/Acts of Assembly set out terms and conditions regarding how the estate is to be managed and supervised.
- Gunston Hall has both a Board of Regents (18 members -- charged with managing, maintaining and operating Gunston Hall) and a Board of Visitors (three member – charged with reporting to the Governor on the proceedings of the Board of Regents.)
- Gunston Hall staff indicates there is little activity on the part of the Board of Visitors. It has in the past met once a year for several hours.
- The Board did not meet during the period for which survey information was collected (2001 and 2002.) The last meeting was held in 1999.
- Blue Book review indicates that all three Board members' terms expired on September 30, 2001.
- Situation indicates that the Board may be a candidate for elimination or consolidation.

Executive Branch Position

- Thomas A. Lainhoff, Director, Gunston Hall Plantation, stated that the supervision of Gunston Hall clearly resided in the hands of the Board of Regents.
- George Mason III, Chair, Gunston Hall Board of Visitors, **supported joint management** of Gunston Hall by the Board of Visitors and the Board of Regents.
- Judith C. Herdeg, Chair, Gunston Hall Board of Regents, **supported consolidating** the Board of Visitors into the Advisory Board to the Board of Regents.

BOARD OF VISITORS FOR GUNSTON HALL (CONTINUED)

Subcommittee Action and Advisory Vote

- The Board was discussed at the September meeting. The Subcommittee expressed concerns that, due to the specific provisions of the deed of gift, the Board of Visitors might be essential for the State to maintain ownership of Gunston Hall.
- The Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Board of Visitors for Gunston Hall.

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

Secretarial Area: Natural Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 10.1-707, the purpose of the Board is to conserve, protect, improve, maintain and develop public beaches.

Situation

- Number of members: 8
- The Board is comprised of the following: the Directors of the Virginia Marine Resources Commission and the Department of Conservation and Recreation or their designees; six members-at-large appointed by the Governor.
- In survey response, Chairman of Board of Conservation and Recreation (BCR) recommended BCR assume responsibilities of Public Beaches Board.
- 1998 JLARC report recommended eliminating Public Beaches Board:
 - 29 miles of publicly owned beaches.
 - Small amounts distributed (\$150,000 in FY 1998).
 - Agency responded that grant functions could be assumed by DCR.
 - JLARC estimated that elimination of the Public Beaches Board would save approximately \$3,000 in annual Board expenses.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- Joseph Maroon, Director, Department of Conservation and Recreation, reported that the Executive Branch **supported the elimination** of the Board and the transfer of its duties to the Board of Conservation and Recreation.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the November meeting. Mr. Maroon reported that the Executive Branch had no position at that time, but an assessment was underway. The Subcommittee requested that Mr. Maroon, or other designee, present the Executive Branch's final position to the Subcommittee at the December meeting.
- At the December meeting, Mr. Maroon presented the Executive Branch position. The Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Board on

**BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES
(CONTINUED)**

Conservation and Development of Public Beaches and transferring its duties to the Board of Conservation and Recreation.

CEMETERY BOARD

See Board of Funeral Directors and Embalmers

COUNCIL ON THE STATUS OF WOMEN

Secretarial Area: Health and Human Resources

Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2630, the purpose of the Council is to identify ways in which women can reach their potential and make their full contributions to society and the Commonwealth as wage earners and citizens.

Situation

- Number of members: 19
- Council members are appointed by the Governor from the Commonwealth at large.
- The former Secretary of the Commonwealth identified this Council as a potential candidate for elimination.
- Discussions with the Office of the Secretary of Health and Human Resources indicate Council has been inactive for three years and it makes sense to eliminate the body given the current budget situation. Secretary also suggests that consideration be given to transferring responsibilities to another group.
- Blue Book indicates that all members' terms have expired:
 - Six terms expired on June 30, 2000.
 - Six terms expired on June 30, 2001.
 - Six terms expired on June 30, 2002.
 - One vacant position expired on June 30, 2002.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Ray C. Goodwin, Deputy Commissioner, Department of Social Services, reported that the Executive Branch **supported elimination** of this Council and that a transfer of responsibilities to another entity could be considered.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Council on the Status of Women.

HOME CARE SERVICES ADVISORY COMMITTEE

Secretarial Area: Health and Human Resources

Purpose of the Committee

- As described in the *Code of Virginia*, Section 32.1-162.14, the purpose of the Committee is to advise and make recommendations to the State Board of Health regarding regulations of home care organizations.

Situation

- Number of members: 10
- The Commissioner of Health appoints all members. Two members are to be from the Commonwealth at large, four members are to be affiliated with home care organizations, and one member each is to be from the Department of Social Services, Department for the Aging, Department of Medical Assistance Services, and Department of Rehabilitative Services.
- Home care organizations include public/private, profit/not-for-profit organizations that provide one or more of the following services: home health services, personal care services, or pharmaceutical services.
- Department of Health staff indicates that this body has not met since at least 1994.
- Situation indicates that the Committee is a candidate for elimination.

Executive Branch Position

- Nancy Hoffheimer, Department of Health, reported that the Executive Branch **supported elimination** of this Committee.

Subcommittee Action and Advisory Vote

- The Committee was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Home Care Services Advisory Committee.

HUMAN SERVICES INFORMATION AND REFERRAL ADVISORY COUNCIL

Secretarial Area: Health and Human Resources

Purpose of the Council

- As described in the *Code of Virginia*, Section 63.2-223, the purpose of the Council is to recommend standards and policies for the development and implementation of a statewide human services information and referral system to provide information on or referral to appropriate public and private, State, local and regional agencies.

Situation

- Number of members: 25
- The Council members are appointed by the Governor as follows: Three citizens at large, one of whom is a consumer of human services and one of whom has a disability; two representatives from business or industry or both; two representatives of local government representing one rural and one urban locality; one representative of United Way of Virginia; one representative from the Virginia Cooperative Extension Services; one representative from The Library of Virginia; one representative of the armed services residing in Virginia; one representative from the information and referral regional providers; one labor representative; one representative from each of the six information and referral centers' regional boards and one representative from the Virginia Association of Community Action Agencies.
- Council has not met in several years; all members' terms expired June 30, 1998.
- Section 63.2-228 of the *Code* creates a Technical Assistance Committee to the Council that would likely be eliminated if Council were abolished.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Ray C. Goodwin, Deputy Commissioner, Department of Social Services, reported that the Executive Branch **supported elimination** of this Council.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Human Services Information and Referral Advisory Council and its Technical Assistance Committee.

MATERNAL AND CHILD HEALTH COUNCIL

Secretarial Area: Health and Human Resources

Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2642, the purpose of the Council is to improve the health of mothers and children by promoting and improving programs and service delivery systems related to maternal and child health.

Situation

- Number of members: 19
- The Council is chaired by the Secretary of Health and Human Resources. Council members are designated by statute or appointed as follows: the Commissioner of the Department of Health, the Director of the Department of Medical Assistance Services, the Commissioner of the Department of Social Services, the Superintendent of Public Instruction and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services are members of the Council by virtue of their positions. In addition, the Governor appoints the following members: five representatives of the health professions with expertise in maternal or child health, two representatives of private nonprofit organizations involved in the promotion of maternal and child health, one representative of private industry, one representative of the religious community, one local public official, and one representative of a hospital involved in maternal and child health care. Finally, one member is appointed by the Speaker of the House of Delegates from the membership thereof, and one member is appointed by the Privileges and Elections Committee of the Senate from the membership of the Senate.
- Department of Health staff indicates that this body has not met since 1998.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Dr. David Suttle, Department of Health, reported that the Executive Branch **supported elimination** of this Council.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Maternal and Child Health Council.

NATIONAL VOTER REGISTRATION ACT COORDINATING COMMITTEE

Secretarial Area: Administration

Purpose of the Committee

- As described in the *Code of Virginia*, Section 24.2-404.2, the purpose of the Committee is to coordinate the implementation of the National Voter Registration Act and make recommendations to the Secretary of the State Board of Elections.

Situation

- Number of members: 8
- Committee members include the chief deputy, or other designee, of the State Board of Elections; a deputy commissioner, or other designee, of the Department of Motor Vehicles; representatives of three additional agencies designated as voter registration agencies, and five general registrars who shall be appointed by the Voter Registrars Association of Virginia.
- The National Voter Registration Act has been in place in Virginia since 1996.
- The Committee was active when initially established in 1999.
- The need for the Committee to coordinate implementation has subsided, meets infrequently, and no future meetings are scheduled at this time.
- Section 24.2-103 of the *Code* gives the Secretary of the State Board of Elections the authority to establish ad hoc committees to address issues.
- Situation indicates that the Committee is a candidate for elimination.

Executive Branch Position

- Rosanna Bencoach, Senior Policy Analyst, State Board of Elections, reported that the Executive Branch **supported elimination** of this Committee.

Subcommittee Action and Advisory Vote

- The Committee was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the National Voter Registration Act Coordinating Committee.

OPEN SPACE PRESERVATION ADVISORY BOARDS

Secretarial Area: Natural Resources

Purpose of the Boards

- As described in the *Code of Virginia*, Section 10.1-1801.2, the purpose of these Boards is to evaluate grant applications from applicants proposing to convey easements; identify applications that will provide most significant open-space preservation benefit; forward recommendations to the Virginia Outdoors Foundation Board of Trustees.

Situation

- Number of members: 9 on each board
- Members of each Board are appointed by the Governor as follows: a local government official, a representative of an organization meeting the definition of "holder" in § 10.1-1009, a representative of a sportsmen's organization, an elected director of a soil and water conservation district, two farmers, and one representative each of the tourism, forestry and real estate industries.
- There are six Open Space Preservation Advisory Boards, each associated with a region of the State.
- At least one-third of the members' terms on each Board have expired:
 - Regions I, II, IV, and V – Three terms on each Board expired June 30, 2001.
 - Region III – Three terms expired June 30, 2000 and three terms expired June 30, 2001.
 - Region VI – One vacancy plus three terms expired June 30, 2001.
- The Secretary of the Commonwealth indicates Boards are inactive and there are no plans to activate them.
- Situation indicates that these Boards are candidates for elimination.

Executive Branch Position

- Estie Thomas, Virginia Outdoors Foundation, reported that the VOF Board of Trustees had **no position** on eliminating these boards.

OPEN SPACE PRESERVATION ADVISORY BOARDS (CONTINUED)

Joint Subcommittee Action and Advisory Vote

- The Boards were reviewed at the November meeting. Leslie Trew, Virginia Outdoors Foundation, reported that the Executive Branch had no position at that time on eliminating these boards. She stated the Virginia Outdoors Foundation (VOF) Board of Trustees meets on December 5, 2002 and will discuss the advisory boards. VOF staff should be able to present a position on December 10, 2002. The Subcommittee requested that staff from VOF appear at the December meeting to present the recommendation.
- At the December meeting, Estie Thomas appeared before the Subcommittee and reported that the VOF Board of Visitors did meet and discuss the Open Space Boards. She stated the VOF Board of Visitors had no position on eliminating these boards. The Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Open Space Preservation Advisory Boards and amending the Virginia Outdoors Foundation Board of Trustees statute to ensure geographic representation on the Foundation Board.

PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

Secretarial Area: Health and Human Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 2.2-2411, the purpose of the Board is to report to and advise Commissioner of Department for the Aging on means for effectuating the Public Guardian and Conservator Program; assist in coordination and management of local and regional programs appointed to act as public guardians and conservators; provide advice and counsel on provision of high quality guardianship service and avoidance of conflicts of interest; promote mobilization of activities and resources of public and private sector entities to effectuate purposes of the program, and make recommendations regarding appropriate legislative and executive actions.

Situation

- Number of members: No more than 15
- Board members are appointed by the Governor as follows: one representative of the Virginia Guardianship Association, one representative of the Virginia Area Agencies on Aging, one representative of the Virginia State Bar, one active or retired circuit court judge upon recommendation of the Chief Justice of the Supreme Court, one representative of the Association of Retarded Citizens, one representative of the Virginia Alliance for the Mentally Ill, one representative of the Virginia League of Social Service Executives, one representative of the Association of Community Service Boards, the Commissioner of the Department of Social Services or his designee, the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services or his designee, the Director of the Virginia Office for Protection and Advocacy or his designee, and one person who is a member of the Commonwealth Council on Aging and such other individuals who may be qualified to assist in the duties of the Board.
- Virginia Public Guardian and Conservator Program (the Program) established within Department for the Aging in 1998 to facilitate creation of local or regional programs and fund, coordinate, administer and manage such programs.
- Public Guardian and Conservator Advisory Board (the Board) created when Program established.
- Survey response from Council on Aging Chair recommends consolidating Board with Council.
- In survey response, former Board Chair indicated she does not know if opportunities exist to consolidate boards with related purposes.
- Early November discussions with Virginia Department of Aging staff indicated the Department staff strongly favored merger of the Boards:

PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD (CONTINUED)

- Purview of both bodies overlap.
- Both bodies advisory to the same department. Some overlapping membership occurs.
- Considerable coordination required to staff two boards.
- Situation indicates that the Board is a candidate for consolidation.

Executive Branch Position

- The Honorable Jay DeBoer, Commissioner, Virginia Department for the Aging, reported that the Executive Branch **opposed consolidation** of the Board with the Commonwealth Council on Aging.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the November meeting; the Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee voted to **take no action** on the Public Guardian and Conservator Advisory Board. One member voted against taking no action.

RECIPROCITY BOARD

Secretarial Area: Transportation

Purpose of the Board

- As described in the *Code of Virginia*, Section 46.2-106, the purpose of the Board is to advise the Governor on reciprocal agreements with other states with respect to taxes on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles.

Situation

- Number of members: 3
- Board members are designated in statute as: Department of Motor Vehicles (DMV) Commissioner, Transportation Commissioner, and a State Corporation Commission member.
- DMV staff indicates that Board has not met for at least seven years.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- Kenneth J. Jennings, Director, Motor Carrier Service Operations, DMV, reported that the Executive Branch **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Reciprocity Board.

**SCIENCE MUSEUM OF VIRGINIA BOARD OF TRUSTEES,
VIRGINIA MUSEUM OF FINE ARTS BOARD OF TRUSTEES, AND
VIRGINIA MUSEUM OF NATURAL HISTORY BOARD OF TRUSTEES**

Secretarial Areas: Education (Science Museum of Virginia Board of Trustees and Virginia Museum of Fine Arts Board of Trustees) and Natural Resources (Virginia Museum of Natural History Board of Trustees)

Purpose of the Board

- As described in the *Code of Virginia*, Section 23-243, the purpose of the Science Museum of Virginia Board of Trustees is to provide for the care and preservation of Science Museum property; appoint Director and prescribe duties and salary; prescribe rules and regulations for museum operation.
- As described in the *Code of Virginia*, Section 23-253.1, the purpose of the Virginia Museum of Fine Arts Board of Trustees is to manage, control, maintain and operate the Virginia Museum of Fine Arts.
- As described in the *Code of Virginia*, Section 10.1-2002, the purpose of the Virginia Museum of Natural History Board of Trustees is to manage, control, maintain and operate the Museum of Natural History; appoint Director and prescribe his duties; prescribe rules and regulations for museum operation.

Situation

- Number of members: 15 (Science Museum of Virginia Board of Trustees); 25-35 (Virginia Museum of Fine Arts Board of Trustees); and 25 (Virginia Museum of Natural History Board of Trustees)
- Members of the Science Museum of Virginia Board of Trustees are appointed by the Governor. One of the members appointed to the Board is a member of the Virginia Academy of Science.
- The Virginia Museum of Fine Arts Board of Trustees is composed of the following persons: (i) ex officio members: the Governor and Lieutenant Governor of Virginia, the Speaker of the House of Delegates and the mayor of the City of Richmond; and (ii) regular members: the trustees who are in office on June 27, 1958, and their successors from time to time.
- Members of the Virginia Museum of Natural History Board of Trustees are appointed by the Governor. Two of the members appointed to the Board are members of the Virginia Academy of Science.
- Chair survey responses:
 - Science – Indicates that consolidation of boards or agencies should be considered for Natural History and Science Museums
 - Fine Arts – No mention of consolidation.

**SCIENCE MUSEUM OF VIRGINIA BOARD OF TRUSTEES,
VIRGINIA MUSEUM OF FINE ARTS BOARD OF TRUSTEES, AND
VIRGINIA MUSEUM OF NATURAL HISTORY BOARD OF TRUSTEES (CONTINUED)**

- Natural History – Advocates the formation of a Smithsonian Museum model where Science, Natural History and Fine Arts museums come under one umbrella board.
- Purposes of two science museums are related.
 - Promoting understanding of man and his environment.
 - Promoting and conducting research and knowledge of scientific method.
 - Engaging in instruction and encouraging study of natural history and science.
 - Preserving, exhibiting, housing, providing facilities for elements of natural history and study of Virginia's natural resources.
- Dr. Walter Witschey, Director, Science Museum of Virginia supports merging the Boards of Trustees for the Virginia Museum of Natural Science and the Science Museum of Virginia if the museums have separate fund raising boards.
- Dr. Michael Brand, Director, Museum of Fine Arts, supports retaining the museum Boards as separate entities.
- Dr. Stephen J. Pike, Director, Museum of Natural History, supports retaining the Museum of Natural History Board as a separate entity from other State museum Boards.
- Situation indicates that the Boards are candidates for consolidation.

Executive Branch Position

- Sarah Finley, Deputy Secretary of Education, reported that the Executive Branch **supported retaining** the Museum of Fine Arts Board as a separate entity for a number of practical and mission-related reasons, but was **open to discussion regarding merger** of Boards of Trustees for the Virginia Museum of Natural Science and the Science Museum of Virginia.
- This issue was under consideration by the Secretary of Natural Resources and the Governor and Secretary had not made a decision in this area.

Subcommittee Action and Advisory Vote

- The Boards were reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. The Subcommittee voted 6-1 to **recommend merging** the Virginia Museum of Natural History Board of Trustees and the Science Museum of Virginia Board of Trustees. Two members abstained from voting.

**SCIENCE MUSEUM OF VIRGINIA BOARD OF TRUSTEES,
VIRGINIA MUSEUM OF FINE ARTS BOARD OF TRUSTEES, AND
VIRGINIA MUSEUM OF NATURAL HISTORY BOARD OF TRUSTEES (CONTINUED)**

- Additional action at the December meeting: The Subcommittee agreed, without objection, to give Department of Legislative Services staff the latitude to draft legislation to affect the merger of the Science Museum of Virginia and the Virginia Museum of Natural History and their Boards of Trustees as reflected in the advisory vote at the November meeting.

SOUTHSIDE VIRGINIA BUSINESS AND EDUCATION COMMISSION

Secretarial Area: Education

Purpose of the Commission

- As described in the *Code of Virginia*, Section 9-145.16, the purpose of the Commission is to provide leadership in the region for education and business partnership programs and excellence in education, expand business participation in public education, disseminate information regarding educational innovations pertinent to Southside Virginia, develop specific goals for public education in Southside Virginia.

Situation

- Number of members: 21
- Commission members are appointed by the Governor as follows: nine members representing business and industry; six members representing the education community, including one representative of a public four-year college or university, one representative of a four-year private college or university, one community college president or dean, one school superintendent, one public school teacher, and one school board member; four local elected officials; and two citizen members. Commission members shall be chosen from among residents of the Southside region of the Commonwealth.
- The Commission was housed at Longwood University.
- Longwood staff indicates that the Commission has not received funding and has not been active.
- The Blue Book indicates that 14 of the 21 members' terms have expired:
 - One term expired on June 30, 1999.
 - Seven terms expired on June 30, 2001.
 - Six terms expired on June 30, 2002.
- Situation indicates that the Commission may be a candidate for elimination.

Executive Branch Position

- Brenda Atkins, Longwood University, noted that the Commission could be eliminated, but having a skilled workforce was still an issue for the area.

Subcommittee Action and Advisory Vote

- The Commission was reviewed at the September meeting. The Subcommittee discussed a similar entity (Blue Ridge Regional Education and Training Council) at the October meeting and decided to take advisory votes on these two entities at the November meeting.

SOUTHSIDE VIRGINIA BUSINESS AND EDUCATION COMMISSION (CONTINUED)

- Advisory vote: Nine members of the Subcommittee were present. The Subcommittee voted 7-2 to **recommend eliminating** the Southside Virginia Business and Education Commission.

SPECIALIZED TRANSPORTATION COUNCIL

Secretarial Area: Health and Human Resources

Purpose of the Councils

- As described in the *Code of Virginia*, Section 2.2-2644, the purpose of the Council is to support development of transportation services for elderly and disabled Virginians.

Situation

- Number of members: 11
- Council members are designated or appointed as follows: the Secretary of Health and Human Resources and the Chairman of the Disability Commission serve as co-chairs of the Council; the Secretary of Transportation serves as vice-chairman. In addition, the Governor appoints eight members, including a representative of a large urban public transportation provider, a small urban public transportation provider, and a rural transportation provider; three consumers; and two at-large members.
- There are significant interrelationships between these two collegial bodies that came about when the General Assembly amended the Council's statutes in 2000.
 - Chairman of the Disability Commission, along with the Secretary of Health and Human Resources, co-chair the Council.
 - Statutes indicate that Council staff support be provided by the Disability Commission. However, Council most recently staffed by the Department of Rehabilitative Services (DRS).
- According to DRS, Council inactive for six years, met in September and December of 2001, but has not met in 2002.
- Survey responses:
 - DRS - Council's responsibilities could become an initiative of the Disability Commission.
 - Council Co-Chair (also Chair of Disability Commission) – "The issue of transportation is vital to the disabled community in Virginia. I look forward to continuing work on this issue through the Council. However, should the study recommend discontinuance of the Council, the Disability Commission and the Olmstead Task Force will continue this important work."
- Specialized Transportation Council also has a Technical Advisory Committee composed of representatives from ten state agencies and three public transportation providers or transportation district commissions. If Council eliminated, advisory committee could transfer to Commission. If not deemed to be a necessity, it could be eliminated.

SPECIALIZED TRANSPORTATION COUNCIL (CONTINUED)

- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Carey Friedman, Director of Policy, Office of the Lieutenant Governor, reported that the Executive Branch **supported elimination** of the Council.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the November meeting. The Subcommittee requested that Mr. Friedman or another representative appear before the Subcommittee at the December meeting to make a recommendation as to what action to take on the technical advisory committee. Mr. Friedman indicated to staff prior to the December meeting that the Technical Advisory Committee could also be eliminated.
- The Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Specialized Transportation Council and its Technical Advisory Committee.

STATE ADVISORY COUNCIL TO THE NATIONAL LEGAL SERVICES CORPORATION

Secretarial Area: Independent

Purpose of the Council

- As described in the Legal Services Corporation Act 42 USCS Section 2996; 45 CFR Sections 1603.1 – 1603.5, the purpose of the Council is to notify the National Legal Services Corporation of apparent violations of the Legal Services Corporation Act and rules and regulations promulgated pursuant to the Act.

Situation

- Number of members: 9
- Council members are appointed by the Governor.
- The National Legal Services Corporation (LSC) is a private, nonprofit corporation established by Congress in 1974 to ensure equal access to justice under the law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it.
- The LSC provides funding to six regional legal aid societies in Virginia. In 2002, \$5.4 million was provided.
- The Legal Services Corporation Act directs the national board to request that each Governor appoint a nine-member state advisory council.
- The state advisory council is to notify the Corporation of violations of the LSC Act.
- If a Governor fails to appoint members, the national board may appoint such a council.
- Discussions with LSC General Counsel staff in Washington, DC indicate that state councils across the country are essentially nonfunctioning at this time. They generally ceased to operate in the 1980s. Governors are not appointing state advisory councils, nor has the national board done so.
- The National Legal Services Corporation recently undertook a comprehensive review of its statutes and identified the state advisory councils as an area in need of attention. At this time, they do not know how they will proceed.
- The Blue Book indicates that all members' terms expired in April 1998.
- Discussions with former members indicate the Council did not meet during their terms.
- Situation indicates that the Council may be a candidate for elimination.

Executive Branch Position

- Mark D. Braley, Executive Director of the Legal Services Corporation of Virginia, stated that he had **no position** regarding the elimination of this Council.

**STATE ADVISORY COUNCIL TO THE NATIONAL LEGAL SERVICES CORPORATION
(CONTINUED)**

- Thomas Edmonds, Executive Director of the Virginia State Bar, stated that he had **no position** regarding the elimination of this Council.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the State Advisory Council to the National Legal Services Corporation, but indicated that Subcommittee staff should monitor federal actions in this area.

STATE NETWORKING USERS ADVISORY BOARD

Secretarial Area: Education

Purpose of the Board

- As described in the *Code of Virginia*, Section 42.1-32.7, the purpose of the Board is to advise the Librarian of Virginia and the State Library Board in the development and direction of the library network and its policies, standards, funding levels and requirements for use.

Situation

- Number of members: 9
- Board members are appointed by the Governor as follows: one academic librarian serving in a public four-year institution of higher education; one academic librarian serving in a private four-year institution of higher education; one academic librarian serving in the Virginia Community College System; one public school librarian; one private school librarian; one librarian serving in a large public library system; one librarian serving in a small public library system; one librarian serving in a library having a specialized focus, such as, but not limited to, a corporate, legal, or medical library; and one librarian serving in an institutional library, such as, but not limited to, a state correctional institution, a mental health facility, or other agency of state government.
- The Board met three times in FY 2001, but did not meet in FY 2002.
- In anticipation of HJR 159, the Board met in July 2002 to discuss and review its role.
- A July 31, 2002 memo from the Board Chair to the Librarian of Virginia recommends elimination.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- Peter Blake, Deputy Secretary of Education, reported that the Executive Branch **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the State Networking Users Advisory Board.

STATE PUBLIC RECORDS ADVISORY COUNCIL

Secretarial Area: Education

Purpose of the Council

- As described in the *Code of Virginia*, Section 42.1-81, the purpose of the Council is to propose to the State Library Board rules, regulations, and standards for the purpose of establishing uniform guidelines for the management and preservation of public records throughout the Commonwealth.

Situation

- Number of members: 12
- Members include the Secretary of the Commonwealth, the Librarian of Virginia, the Attorney General, the State Health Commissioner, the Commonwealth Transportation Commissioner, the Director of the Department of Information Technology, the Auditor of Public Accounts, the Executive Secretary of the Supreme Court, the Director of the Department of Technology Planning, or their designated representatives and three members to be appointed by the Governor from the Commonwealth at large. The gubernatorial appointments include two clerks of courts of record and a member of a local governing body.
- Members include numerous high-level officials or their designated representatives.
- Council met once in FY 2001 and once in FY 2002; experienced difficulty in getting members to attend.
- Librarian of Virginia recommends abolishing or restructuring the Council:
 - Scope of duties/responsibilities vague.
 - Members have full-time positions with little time to become familiar with public record keeping issues; most meetings are informational updates.
- Preston Huff, Director of Records Management and Imaging Services, State Library of Virginia, indicated that the Council has not been very active and that meetings constitute one-way transfers of information from staff to members.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Peter Blake, Deputy Secretary of Education, reported the Executive Branch **supported retaining the Council for one year** and addressing it as part of a broader reassessment of the “Virginia Public Records Act”.

STATE PUBLIC RECORDS ADVISORY COUNCIL (CONTINUED)

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the State Public Records Advisory Council.

STATE SCENIC RIVER ADVISORY BOARDS

Secretarial Area: Natural Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 10.1-406, the purpose of these Boards is to advise the Director of the Department of Conservation and Recreation on the protection and management of specific scenic rivers.

Situation

- Number of members: Ranges from 5-18
- The Blue Book identifies 19 individual Scenic River Advisory Boards.
 - Appomattox Scenic River Advisory Board
 - Catoctin Creek Scenic River Advisory Board
 - Chickahominy Scenic River Advisory Board
 - Clinch Scenic River Advisory Board
 - Goose Creek Scenic River Advisory Board
 - Clinch-Guest Scenic River Advisory Board
 - Falls of the James Advisory Board
 - Historic Lower James Scenic River Advisory Committee
 - Moormans Scenic River Advisory Board
 - North Landing and Tributaries Scenic River Advisory Board
 - North Meherrin Scenic River Advisory Board
 - Nottoway Scenic River Advisory Board
 - Rappahannock Scenic River Advisory Board
 - Rockfish Scenic River Advisory Board
 - Rivanna Scenic River Advisory Board
 - St. Mary's Scenic River Advisory Committee
 - Shenandoah Scenic River Advisory Board
 - Staunton Scenic River Advisory Board
 - Upper James Scenic River Advisory Board
- Discussions with the Department of Conservation and Recreation (DCR) indicate that most Boards have been inactive since the end of the Allen administration and appointments have not been made since that time. However, Governor Warner has just made some appointments.
- Ten of the 19 board chairs have not responded to the HJR 159 survey. It appears that confusion exists as to if the Boards still exist, who serves as chair, etc. Attempts to contact chairs indicate a number have moved and the State does not appear to have accurate or current contact information on these individuals.
- Survey results indicate that four of the 19 Boards appear to be active: Goose Creek, Falls of the James, Shenandoah State, and Upper James Scenic River Advisory Boards.

STATE SCENIC RIVER ADVISORY BOARDS (CONTINUED)

- Boards are not generally funded by the State. DCR estimates \$2,113 has been expended in past two fiscal years to support the Boards.
- Former Secretary of the Commonwealth suggested combining all into one board.
- Consideration should be given to retaining the active boards and creating at least one unified board to address the remaining scenic rivers.
- Ralph Hambrick, Chair, Falls of the James Advisory Board, supports creation of a state board while at the same time retaining local active boards.
- R.B. Young, former chair of the Falls of the James Scenic River Advisory Board, stated the Falls of the James Advisory Board should be maintained at its current status.
- Situation indicates that the Boards are candidates for consolidation.

Executive Branch Position

- Joseph Maroon, Director, Department of Conservation and Recreation, reported that the administration **recommended collapsing the Scenic River Advisory Boards into one statewide board** and giving the DCR Director the authority to appoint local committees as needed.

Subcommittee Action and Advisory Vote

- The Boards were reviewed at the October meeting. Leon App, Acting Deputy Director, Department of Conservation and Recreation, noted that the issue was being studied with alternatives to be presented to the Secretary of Natural Resources and the Governor. The Subcommittee requested that the Secretary of Natural Resources designate someone to appear at the November meeting and present the Executive Branch's final recommendation.
- Mr. Maroon appeared before the Subcommittee at the November meeting but did not present a position at that meeting. He stated that the administration was reviewing options, but had not identified a preferred approach. The Subcommittee requested that he, or another designee, appear at the December meeting to present the Executive Branch's final recommendation.
- Vote to defer action: Nine members of the Subcommittee were present. The Subcommittee voted 5-4 to defer action on the State Scenic River Advisory Boards until the December 10 meeting.
- At the December meeting, Mr. Maroon reported the Executive Branch's position. The Subcommittee took an advisory vote at the December meeting.

STATE SCENIC RIVER ADVISORY BOARDS (CONTINUED)

- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee voted to **recommend combining the Scenic River Advisory Boards into one statewide board** and giving the DCR Director the authority to appoint local committees as needed. One member voted against the recommendation.

VIRGINIA ADVISORY COUNCIL FOR ADULT EDUCATION AND LITERACY

Secretarial Area: Education

Purpose of the Council

- As described in the *Code of Virginia*, Section 2.2-2652, the purpose of the Council is to recommend an integrated and coordinated multi-agency approach for the delivery of quality adult education and literacy programs, services, and philosophies.

Situation

- Number of members: 15
- Eleven of the Council members are appointed by the Governor as follows: one representative each from the Board of Education, Board for Virginia Community Colleges, Board of Correctional Education, Board of Social Services, State Library Board, Governor's Job Training Coordinating Council, Department of Business Assistance, Virginia Employment Commission, State Council of Higher Education, Virginia Literacy Foundation Board, and Virginia Board for People with Disabilities. In addition, the Secretaries of Education, Health and Human Resources, Public Safety, and Commerce and Trade or their designees shall serve as ex officio members.
- Survey response from Department of Education (DOE) indicates Council no longer functioning.
- Council did not meet for several years; Met in March 2002; Has not met since.
- Executive Director position eliminated as a State position.
- Board of Education has established an Advisory Committee on Adult Education and Literacy as a result of a task force assessment in 2001.
- DOE survey responses suggest that adult education and literacy would best be addressed by:
 - The Board of Education's Advisory Committee on Adult Education and Literacy.
 - Appointing an adult education representative to the Virginia Workforce Council that oversees Workforce Investment Act activities.
 - Eliminating the Council.
- Rayford Harris, Chair, Virginia Advisory Council on Adult Education and Literacy, supports elimination of the Council.
- Situation indicates that the Council is a candidate for elimination.

VIRGINIA ADVISORY COUNCIL FOR ADULT EDUCATION AND LITERACY (CONTINUED)

Executive Branch Position

- Sarah Finley, Deputy Secretary of Education, reported that the Executive Branch **supported elimination** of the Council.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting; the Subcommittee took an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee voted to **recommend eliminating** the Virginia Advisory Council for Adult Education and Literacy.

VIRGINIA CORRECTIONAL ENTERPRISES ADVISORY BOARD

Secretarial Area: Public Safety

Purpose of the Board

- As described in the *Code of Virginia*, Section 53.1-45.2, the purpose of the Board is to review new products and services manufactured or produced by Virginia Correctional Enterprises, and their pricing structure; evaluate the level and quality of products and customer services and make recommendations; and advise the Director on business trends, product development, contract opportunities, and other related matters.

Situation

- Number of members: 11
- Board members are appointed by the Governor as follows: (i) two representatives of the private manufacturing business sector; (ii) two representatives of the private service industry sector; (iii) one representative of the chambers of commerce; (iv) one representative of employee associations or organizations; (v) one representative of the Board of Corrections; (vi) one representative of the institutions of higher education; (vii) one representative of state agencies; (viii) the Director of the Department of Business Assistance or his designee; and (ix) the Director of the Department of General Services or his designee.
- Department of Corrections staff indicates that this Board is no longer operational and should be deleted from the *Code*.
- All Board members' terms expired June 30, 2000.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- Don Guillory, Department of Corrections, reported that the Executive Branch **supported elimination** of this Board.

Subcommittee Action and Advisory Vote

- The Board was reviewed at the September meeting; the Subcommittee took an advisory vote at the October meeting.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Virginia Correctional Enterprises Advisory Board.

VIRGINIA COUNCIL ON CAREER AND TECHNICAL EDUCATION

Secretarial Area: Education

Purpose of the Council

- As described in the 1968 amendments to the federal Vocational Education Act (VEA) of 1963, the purpose of the Council is to make reports to the Governor, business community and general public concerning policies to be pursued to strengthen vocational education and initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs.

Situation

- Number of members: 13
- Council members are appointed by the Governor and include: seven individuals who are representative of the private sector in the state: five of whom shall be representative of business, industry, trade organizations and agriculture, including: one member who represents small business concerns, one who is a private sector member of the Governor's Job Training Coordinating Council, two representatives of labor organizations; Six individuals who are representative of secondary and postsecondary vocational institutions (equally distributed among such institutions as: career and guidance and counseling organizations within the state, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations [including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities]), and of whom one member shall be a representative of special education and may include members of vocational student organizations and school board members. A representative of the private sector shall be elected chairman from the membership.
- Staffed by an Executive Director; meets quarterly and appears to be active.
- Initially mandated by 1968 amendments to VEA as a requirement for the receipt of federal funds; federal requirement for Council eliminated in 1998.
- No formal authority – not mentioned in the *Code* or Executive Order.
- Superintendents of Public Education have made decision to continue the Council.
- Governor continues to appoint Council members although there is no mandate for him to do so.
- State funded as of 1998 through contract between Department of Education and Virginia Polytechnic Institute and State University. Current contract expires June 30, 2003.
 - Contract amount in FY 2002 - \$102,000
 - Contract amount in FY 2003 - \$94,000

VIRGINIA COUNCIL ON CAREER AND TECHNICAL EDUCATION (CONTINUED)

- Two additional collegial bodies have formal authority and address this area.
 - Board of Education – designated in *Code* as the “State Board of Career and Technical Education” to carry out the provisions of the federal VEA of 1963.
 - Advisory Council on Career and Technical Education – Established during the 2002 General Assembly Session (House Bill 335) as an advisory council in the legislative branch.
- Former Secretary of the Commonwealth identified Council as a body that could be eliminated.
- Chairman of the State Board of Education indicates Council should be a candidate for further assessment.
- Ray Tate, Chair, Virginia Council on Career and Technical Education, supports retaining this Council.
- Situation indicates that the Council is a candidate for elimination.

Executive Branch Position

- Sarah Finley, Deputy Secretary of Education, noted that this Council still played a valuable role and the issue of proper authorization needed to be addressed.

Subcommittee Action and Advisory Vote

- The Council was reviewed at the October meeting; the Subcommittee held an advisory vote at the November meeting.
- Advisory vote: Nine members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Virginia Council on Career and Technical Education.

VIRGINIA JUVENILE ENTERPRISE COMMITTEE

Secretarial Area: Public Safety

Purpose of the Committee

- As described in the *Code of Virginia*, Section 66-25.1, the purpose of the Committee is to review agreements with public or private entities for the operation of a work program for children committed to the Department of Juvenile Justice; promulgate regulations governing the form and review process for proposed agreements.

Situation

- Number of members: 6
- Members of the Committee are appointed by the Governor, and include the following: representatives from an employee association or organization, the business community, a chamber of commerce, an industry association, the Office of the Secretary of Commerce and Trade, and the Office of the Secretary of Public Safety.
- Currently only one member on the committee and five vacancies.
- According to Department of Juvenile Justice, Committee last met in December 2000 and prior to that time met once per year.
- Survey responses:
 - Juvenile Justice Board Chair – Board could assume Committee's responsibilities.
 - Juvenile Enterprise Committee Chair – Increase Committee involvement in youth program and expand Committee to add more private representation.
- Situation indicates that the Committee is a candidate for elimination.

Executive Branch Position

- The Honorable Jerrauld Jones, Director, Department of Juvenile Justice, **supported retaining** the Committee; expanding membership by up to four private sector representatives, assuming more active role in planning and development of transitional employment/career-related placements.

Subcommittee Action and Advisory Vote

- The Committee was reviewed at the November meeting; the Subcommittee took an advisory vote at the December meeting.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Virginia Juvenile Enterprise Committee.

VIRGINIA MUSEUM OF FINE ARTS BOARD OF TRUSTEES

See Science Museum of Virginia Board of Trustees.

VIRGINIA MUSEUM OF NATURAL HISTORY BOARD OF TRUSTEES

See Science Museum of Virginia Board of Trustees.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Secretarial Area: Natural Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 10.1-502, the purpose of the Board is to provide for the conservation of soil and water resources; control and prevent soil erosion, flood water and sediment damage; oversee and support the soil and water conservation districts; preserve natural resources of the Commonwealth.

Situation

- Number of members: 12
- The Board consists of the following members: the Director of the Department of Conservation and Recreation, the Director of the State Cooperative Extension Service, the Director of Agriculture and Life Sciences, Virginia Polytechnic Institute and State University, Research Division, the Associate Vice President for Agriculture and Extension of Virginia State University, and the State Commissioner of Agriculture and Consumer Services or their designees. In addition, the governor appoints the following: one member of the Board to serve at the pleasure of the Governor; four farmers; two farmers or district directors.
- In survey response, Chairman of Board of Conservation and Recreation (BCR) recommended BCR assume responsibilities of Soil and Water Conservation Board.
- 1998 JLARC report recommended merging the Boards:
 - Increase agency cohesion by creating one board to oversee all department operations.
 - Reduce administrative costs for supporting two boards.
 - Eliminate fragmented responsibilities that occur because two boards oversee components of DCR's soil and water conservation efforts.
- In its response to the 1998 JLARC report, the Department of Conservation and Recreation reported that the Boards could be streamlined into one to address all department functions.
- Wilkie Chaffin, Secretary/Treasurer, Virginia Association of Soil and Water Conservation Districts, opposes the merger of the two boards.
- Situation indicates that the Board is a candidate for consolidation.

Executive Branch Position

- Joseph Maroon, Director, Department of Conservation and Recreation, reported that the Executive Branch **did not support the consolidation** of the Soil and Water Conservation Board with the Board of Conservation and Recreation.

VIRGINIA SOIL AND WATER CONSERVATION BOARD (CONTINUED)

Subcommittee Action and Advisory Vote

- The Board was reviewed at the November meeting. Mr. Maroon reported that the Executive Branch had no position at that time on consolidating this Board. The Subcommittee requested that Mr. Maroon, or another designee, appear before the Subcommittee at the December meeting and present the Executive Branch's final position.
- At the December meeting, Mr. Maroon reported the Executive Branch's position. The Subcommittee took an advisory vote.
- Advisory vote: Seven members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **take no action** on the Virginia Soil and Water Conservation Board.

VIRGINIA STATE PARKS FOUNDATION BOARD OF TRUSTEES

Secretarial Area: Natural Resources

Purpose of the Board

- As described in the *Code of Virginia*, Section 10.1-218, the purpose of the Board is to govern and administer the Foundation; Foundation shall assist Department of Conservation and Recreation with duties and responsibilities described in Subtitle I of Title 10.1.

Situation

- Number of members: 7
- Board members include the following: the Director of the Department of Conservation and Recreation, who shall serve ex officio; six other trustees from the Commonwealth at large appointed by the Governor.
- In survey response, Chairman of Board of Conservation and Recreation (BCR) recommended BCR assume responsibilities of Parks Foundation and its Board of Trustees.
- 1998 JLARC report recommended abolishing Parks Foundation and BCR assumption of responsibilities:
 - Most meetings involved staff updates to Foundation on department activities.
 - Primary role of Foundation is to distribute funds to state parks, most of which had already been designated for a specific purpose.
 - Amounts distributed had been small, typically less than \$150,000 per year.
- In its response to the 1998 JLARC report, Department of Conservation and Recreation stated that BCR already has authority to make certain recommendations to assist the Department in fund raising similar to the activities of the Foundation. However, if consolidation occurs, it would be wise to transfer fund raising language from Foundation statutes to those of the BCR and Department. All existing funds in the Foundation Fund should be transferred intact to another DCR-controlled fund that could be spent as the current Foundation fund allows.
- Situation indicates that the Board is a candidate for elimination.

Executive Branch Position

- Joseph Maroon, Director, Department of Conservation and Recreation, reported that the Executive Branch **supported elimination** of the Virginia State Parks Foundation Board of Trustees and transferring its duties to the Board of Conservation and Recreation. Mr. Maroon stated the Foundation could be eliminated as well.

VIRGINIA STATE PARKS FOUNDATION BOARD OF TRUSTEES (CONTINUED)

Subcommittee Action and Advisory Vote

- The Board was reviewed at the November meeting. Mr. Maroon reported that the Executive Branch had no position at that time on eliminating the Board and that an assessment was underway. The Subcommittee requested that Mr. Maroon, or another designee, appear before the Subcommittee at the December meeting and present the Executive Branch's position.
- At the December meeting, Mr. Maroon reported the Executive Branch's position. The Subcommittee took an advisory vote.
- Advisory vote: Six members of the Subcommittee were present. By voice vote, the Subcommittee unanimously voted to **recommend eliminating** the Virginia State Parks Foundation Board of Trustees and transferring its duties to the Board of Conservation and Recreation.

APPENDIX A

HOUSE JOINT RESOLUTION NO. 159

Establishing a joint subcommittee to study the operations, practices, duties, and funding of the Commonwealth's agencies, boards, commissions, councils and other governmental entities.

WHEREAS, the Commonwealth of Virginia spends in excess of \$25 billion each year and employs a workforce in excess of 112,000 employees; and

WHEREAS, the taxpayers of Virginia expect the Commonwealth of Virginia to provide the goods and services citizens need and desire in the most cost-effective manner; and

WHEREAS, even though the United States and Virginia economies have experienced a record ten-year long expansion of economic activity, most businesses have tried during this time of record-setting economic growth to become more efficient, and to utilize technology and innovation strategies to produce better products and services at less cost to the consumer; and

WHEREAS, the citizens and taxpayers of Virginia expect and deserve from their government the same aggressive cost-cutting and innovative strategies to reduce the cost of the goods and services their state government provides; and

WHEREAS, the best method for instilling confidence in the government of the Commonwealth is to ensure that the government is accountable to its citizenry; and

WHEREAS, it is important to ensure that government entities are accountable and operating as statutorily authorized; and

WHEREAS, all operations of state government must demonstrate accountability by showing its citizens what they are gaining from the use of public funds, how these expenditures benefit their lives or the lives of those they care about, and how efficiently and effectively the funds are used; and

WHEREAS, some governmental entities have never been reviewed during their existence and others have not been reviewed for a long time; and

WHEREAS, there should be strong incentives to encourage all government entities to minimize costs, ensure unnecessary functions are eliminated, and perform the remaining critical functions as efficiently and cost-effectively as possible; now, therefore, be it

HOUSE JOINT RESOLUTION NO. 159 (CONTINUED)

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the operations, practices, duties, and funding of the Commonwealth's agencies, boards, commissions, councils and other governmental entities. The joint subcommittee shall be composed of 10 members as follows: 6 members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and 4 members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the joint subcommittee shall (i) examine the history, budget, and current activities of each governmental entity, (ii) determine whether critical functions are being performed as efficiently and cost-effectively as possible, (iii) identify duplicative functions and activities, (iv) determine whether the entity is funded at appropriate levels, (v) compare and evaluate the entity's work and results with its stated statutory mission, and (vi) make recommendations for consolidation, elimination, reduction, or increase of activities and funding of each entity based upon the review.

The direct costs of this study shall not exceed \$25,000.

The Division of Legislative Services and the Joint Legislative Audit and Review Commission shall provide staff support for the study. The Secretary of the Commonwealth shall provide technical assistance.

All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall submit an interim report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly, and shall complete its work by November 30, 2003, and shall submit its final written findings and recommendations to the Governor and the 2004 Session of the General Assembly, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

APPENDIX B

**SPEAKERS ADDRESSING THE HOUSE JOINT RESOLUTION 159
JOINT SUBCOMMITTEE IN 2002**

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
June 19, 2002	Edwards, Ginny, Division of Legislative Services	Yes
	Jonas, Kirk, Joint Legislative Audit and Review Commission	Yes
	McDonnell, The Honorable Robert F., House of Delegates via conference call	No
	McSweeney, Patrick M., Hopkins Commission	Yes
	Newlin, Barbara A., Joint Legislative Audit and Review Commission	Yes
	Petera, The Honorable Anne P., Former Secretary of the Commonwealth	Yes
September 25, 2002	Anderson, Dr. William, Mary Washington College	No
	Atkins, Brenda, Longwood University	No
	Braley, Mark D., Legal Services Corporation of Virginia	Yes
	Edmonds, Thomas, Virginia State Bar	No
	Edwards, Ginny, Division of Legislative Services	Yes
	Guillory, Don, Department of Corrections	No

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Herdeg, Judith C., Gunston Hall Board of Regents	No
	Hoffheimer, Nancy, Department of Health	No
	Holsworth, Dr. Robert, Wilder Commission	Yes
	Jennings, Kenneth J., Department of Motor Vehicles	Yes
	Lainhoff, Thomas, Gunston Hall Plantation	No
	Mason, George III, Gunston Hall Board of Visitors	No
	Newlin, Barbara A., Joint Legislative Audit and Review Commission	Yes
	Sternlicht, John, Virginia Economic Development Partnership	Yes
	Suttle, Dr. David, Department of Health	No
	Trumbo, The Honorable Malfourd W., Virginia Senate	No
	Williams, General Claude, Department of Military Affairs	No
October 23, 2002	App, Leon, Department of Conservation and Recreation	Yes
	Bencoach, Rosanna, State Board of Elections	Yes
	Blake, Peter, Office of the Secretary of Education	No

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Brand, Dr. Michael, Virginia Museum of Fine Arts	Yes
	Finley, Sarah, Office of the Secretary of Education	No
	Goodwin, Ray C., Department of Social Services	No
	Hambrick, Ralph, Falls of the James Scenic River Advisory Board	Yes
	Hammond, Lethia, Blue Ridge Regional Education and Training Council	Yes
	Harris, Rayford, Virginia Advisory Council on Adult Education and Literacy	No
	Huff, Preston, State Library of Virginia	No
	Jordan, Mr., Virginia Morticians Association	No
	Nebiker, Robert A., Department of Health Professions	No
	Nelson, Blair	No
	Newlin, Barbara A., Joint Legislative Audit and Review Commission	Yes
	Oakey, Daniel, Virginia Morticians Association	No
	Oman, Robert, Board of Funeral Directors and Embalmers	No
	Pike, Dr. Stephen J., Virginia Museum of Natural History	Yes

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Ridenhour, Michael, Board of Audiology and Speech-Language Pathology	No
	Rimler, The Honorable Anita, Secretary of the Commonwealth	No
	Rinehart, Jeffrey, Board for Hearing Aid Specialists	No
	Robinson, Teresa, Society for Hearing Aid Specialists	No
	Smith, Elizabeth, Department of Rehabilitative Services	Yes
	Tate, Ray, Virginia Council on Career and Technical Education	Yes
	Ware, Louise F., Department of Professional and Occupational Regulation	Yes
	Witschey, Dr. Walter, Science Museum of Virginia	Yes
November 20, 2002	Anderson, Dr. William, Mary Washington College	Yes
	Blanton, Willie, Virginia Employment Commission	Yes
	Bright, Jon, Board for Opticians	No
	Brown, Ric, Department of Planning and Budget	Yes
	Chaffin, Wilkie, Virginia Association of Soil and Water Conservation Districts	Yes
	DeBoer, The Honorable Jay, Virginia Department for the Aging	Yes

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Dickens, Colonel Samuel T., James Monroe Memorial Foundation	Yes
	Friedman, Carey, Office of the Lieutenant Governor	No
	Hambrick, Ralph, Falls of the James Scenic River Advisory Board	No
	Hamilton, The Honorable Phillip A., Virginia House of Delegates	No
	Hammond, Lethia, Blue Ridge Regional Education and Training Council	No
	Hilbert, Joseph, Department of Health	Yes
	Hill, Herb, Department of Planning and Budget	Yes
	Hollifield, Shea, Department of Housing and Community Development	Yes
	Jones, The Honorable Jerrauld, Department of Juvenile Justice	Yes
	Maroon, Joseph, Department of Conservation and Recreation	No
	McGill, Clarence, Department of Juvenile Justice	No
	Nebiker, Robert A., Department of Health Professions	No
	Newlin, Barbara A., Joint Legislative Audit and Review Commission	Yes
	Ramthun, Linda, Office of the Auditor of Public Accounts	Yes

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Thomas, George William Jr., James Monroe Memorial Foundation	Yes
	Trew, Leslie, Virginia Outdoors Foundation	No
	Ware, Louise F., Department of Professional and Occupational Regulation	Yes
December 10, 2002	Blake, Peter, Office of the Secretary of Education	Yes
	Casselman, Judy	No
	Edwards, Ginny, Division of Legislative Services	Yes
	Holsworth, Dr. Robert, Wilder Commission	No
	Johnson, David, Office of the Attorney General	No
	Maroon, Joseph, Department of Conservation and Recreation	No
	Nebiker, Robert A., Department of Health Professions	No
	Newlin, Barbara A., Joint Legislative Audit and Review Commission	Yes
	Rimler, The Honorable Anita, Secretary of the Commonwealth	No
	Ryal, Sandra, Department of Professional and Occupational Regulation	Yes
	Thomas, Estie, Virginia Outdoors Foundation	No

<u>MEETING</u>	<u>SPEAKER</u>	<u>HANDOUTS PROVIDED*</u>
	Young, R.B., former member of Falls of the James Advisory Board	No

* Speaker handouts may be obtained by contacting Kirk Jonas or Sandra Wright, Joint Legislative Audit and Review Commission (804-786-1258), or Ginny Edwards, Division of Legislative Services (804-786-3591, extension 238).

